

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53561 of 2013

Arising Out of PS.Case No. -6 Year- 2006 Thana -GOVERNMENT OFFICIAL COMP. District-
SAMASTIPUR

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1. Hindustan Unilever Limited (Formerly Known As Hindustan Lever Limited) Represented Through Its Authorized Representative & Senior Legal Executive Siddhartha Gupta Of 9 Shakeshpere Sarani, P.S. - Shakeshpere Sarani, Kolkata

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jayanta Ray Chaudhury

For the Opposite Party/s : Mr. Ashok Kr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-02-2017 Heard the parties.

As the matter is old, as such to expedite the matter, the same is being taken up and being disposed of at the stage of admission itself.

The petitioner has preferred this application under Section 482 of the Code of Criminal Procedure Code against order dated 07.12.2007 passed by the Sub-Divisional Judicial Magistrate, Samastipur in connection with G.O. Case No.06 of 2006 Trial No.2214 of 2013, by which cognizance has been taken against the petitioner-company for offence under Sections 16(1)(a) and 7(ix) of the Prevention of Food Adulteration Act.

The persecution story in short is that the Food Inspector Mr. Keshari Mohan Jha visited M/S Keshri Bhandar, a shop of



Pithiya Gachhi in the district of Samastipur on 16.5.2006 and took sample of Annapurna Iodized Salt and sent it to Public Analyst, Bihar, Patna on 17.6.2006 and received Report No.2178/PFA/2006 dated 8th July, 2006 that “***Logo for veg. is not fixed on proper site of the label***” hence, “***the sample of Annapurana Iodized Salt violates the labeling provisions of PF Rules, 1955 regarding Logo so it is misbranded***”, on the basis of the aforesaid report, G.O. Case No.06 of 2006 Trial No.2214 of 2013 was instituted and the learned Sub-Divisional Judicial Magistrate, Samastipur passed order dated 07.12.2007 passed in G.O. Case No.06 of 2006 Trial No.2214 of 2013 taking cognizance of offence under Sections 16(1)(a) and 7(ix) of the Prevention of Food Adulteration Act against the petitioner-company, against which the present application has been filed by the petitioner for quashing the impugned order.

It is submitted on behalf of the petitioner that except the allegation that “***logo for veg. is not fixed on proper site of the label***” and “***the sample of Annapurana Iodized Salt violates the labeling provisions of P.F.A. Rules, 1955 regarding logo so it is misbranded***”, there is no other allegation against him-company, as appears from Annexure-1 & 2 of the application, however, this Hon’ble Court vide judgment in the case of ***Vinita Bali – Vrs.- The State of Bihar*** reported in (2008) (4) PLJR 135 has already quashed the order on the basis of such type of allegation and



thereafter in several cases, this Hon'ble Court has held that in absence of any statement as to where such Logo has to be affixed, the petitioner can not be prosecuted for want of such requirement of the Rule under the P.F.A. Act.

As such the order taking cognizance by the Sub-divisional Judicial Magistrate, Samastipur is bad in law and fit to be set aside.

Heard learned A.P.P. also, who could not controvert the aforesaid fact that in a similar circumstances a large number of cases order taking cognizance has been quashed for prosecution for not placing the logo on the proper place.

Having heard both sides. As this Hon'ble Court has already held in various decisions that wrong placement of LOGO does not, in any manner, constitute an offence under Section 16(a)(1) of the Act, order dated 7.12.2007 passed by the Sub-divisional Judicial Magistrate, Samastipur is quashed.

Accordingly, this application is allowed.

(Vinod Kumar Sinha, J)

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