

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24567 of 2013

Arising Out of PS.Case No. -228 Year- 2011 Thana -GOVERNMENT OFFICIAL COMP. District-
MADHUBANI

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1. Ram Murti Kumar Son Of Sri Suresh Chandra Chaudhary Resident Of
Station Road, Madhubani, P.S.- Madhubani, District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Narayan Chaudhary,

For the Opposite Party/s : Mr. Parmanand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

13 23-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed for quashing the order dated 17.09.2011 passed by the learned Chief Judicial Magistrate, Madhubani in G.O. Case No. 228 of 2011 corresponding to Tr. No. 3770 of 2012 by which he has taken cognizance against the petitioner for the offence under section 16(a)(i) and 7(iii) of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as the said Act).

As per prosecution report the Food Inspector, Madhubani on 26.05.2011 had collected sample of rice from Shiv Murti Hotel and the sample was sent to the public analyst for its examination and thereafter sanction for prosecution was taken



from the Civil Surgeon, Madhubani. Thereafter the prosecution report was submitted in the court of the learned Chief Judicial Magistrate, Madhubani under the Prevention of Food Adulteration Rules on the basis of which the learned Chief Judicial Magistrate, Madhubani took cognizance of the offence under section 16(a)(i) and 7(iii) of the said Act, vide the impugned order dated 17.09.2011 and directed to issue summons against the petitioner which is under challenge in the present quashing application.

A report from the court below was called for which has come and is kept at flag 'A'. The court below in its report has stated that substance of accusation has already been explained to the accused on 29.08.2013 and summon has been issued to the prosecution witnesses on 20.01.2016 and the case is pending for examination of prosecution witnesses.

It has been submitted on behalf of the petitioner that cognizance has been taken on a printed form without application of judicial mind.

Learned counsel for the State has submitted that cognizance was taken on the basis of the official complaint and the prosecution report shows that the sample of rice does not conform to the prescribed standard of quality.

Heard learned counsel for the parties and perused the



impugned order from which it appears that cognizance has been taken by the learned Chief Judicial Magistrate, Madhubani on the basis of the official complaint filed by the Food Inspector, Madhubani. The report of the Public Analyst is also available at page 17 of the brief from which it appears that the sample of rice was found to be adulterated.

Therefore, this Court does not find any illegality or irregularity in the impugned order taking cognizance. This application is accordingly dismissed.

As per report of the learned Magistrate, the case is now pending for prosecution evidence. The court below shall expedite the trial of the petitioner and shall make every effort to conclude the same as early as possible.

(Sanjay Priya, J)

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