

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6740 OF 2017

ORDER:

Petitioner is A1 of C.C.No.85 of 2010 on the file of the Additional Munsif Magistrate, Addanki, Prakasam District. It is from the private complaint maintained by the 2nd respondent – State represented by the Food Inspector, that was taken cognizance by the learned Magistrate, Addanki. The said case is pending for the past seven years and the same is not in dispute.

2. At this stage, the petitioner is seeking quashment of the said private complaint proceedings by raising that there is no service of notice under Section 13(2) of the Food Adulteration Act, after receipt of the report of the Public Analyst, apart from the allegation of non-application of mind in taking cognizance seven years back.

3. These defences regarding the compliance of Section 13(2) of the Act and Section 16(1)(a)(i) are available even before the trial court not in dispute.

4. Hence, there is nothing for this Court at this stage to quash the proceedings, but for to direct the trial court of the case is more than five years old to dispose of the same at any cost within three months from the date of receipt of this order

and any defences of the petitioner if at all are available to urge before the trial court.

5. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

03.08.2017
SS

