

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.653 OF 2018

(MALKESH RADHESHYAM MISHRA & OTH....VS..THE STATE OF MAHARASHTRA THR. B.S.
NANDANWAR, FOOD SAFETY OFFICER, BHANDARA.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Kirti Parekh, Advocate a/w. Shri P.M.Shukla, Adv. for Applicants.
Ms Tajwar Khan, A.P.P. for Non-applicant /State.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 14, 2019.

For the reasons recorded in the judgment delivered in Criminal Application No.650 of 2018, following order is passed:

- i) The proceedings of Regular Criminal Case No. 11 of 2015 filed by the non-applicant against the applicants and pending in the Court of Chief Judicial Magistrate, Gondia are quashed.

Consequently, the order passed by the learned Chief Judicial Magistrate on 7th January 2015 directing issuance of process against the applicants does not survive and is quashed accordingly.

- ii) The concerned Authority shall take appropriate action in the matter as per rule 3.1 of the Food Safety and Standards Rules, 2011.
- iii) The concerned Authority shall send action taken report to the Commissioner of the Food and Drugs, Mumbai within two months from the date of receipt of copy of this order.

- iv) The Commissioner, Food and Drugs, Mumbai shall examine the matter after receiving the action taken report and if it is found that the concerned Authority has not been vigilant in discharging its duties/ functions, appropriate disciplinary action shall be taken by the Commissioner, Food and Drugs, Mumbai against the concerned Authority.

The petition is **disposed** in the above terms. In the circumstances, the parties to bear their own costs.

Copy of judgment delivered in Criminal Application No. 650 of 2018 shall be part of this order.

JUDGE

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