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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-38589-2021 in/and
CRA-S-1218-2021 (O&M)
Date of decision : 17.11.2021

Jaswant Singh

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pardhuman Garg, Advocate for the appellant.

Mr. Karanbir Singh, AAG, Punjab.
(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

CRM-38589-2021

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main appeal from 24.11.2021 to an early date.

Notice in the application.

On advance notice, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and has submitted that he has no objection in case the present application is allowed and the date of hearing in the main appeal is preponed from 24.11.2021 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main appeal is preponed from 24.11.2021 to today and is taken on Board today itself for final disposal.

Main appeal

Challenge in the present appeal is to the judgment dated 09.08.2021 passed by the Chief Judicial Magistrate, Fatehgarh Sahib in a complaint under Section 42(5) of the Food Safety and Standards Act, 2006 and Rules, 2011, vide which the appellant had been convicted under Section 42(5) of the Food, Safety Act, 2006, punishable under Section 59 of the said Act for rigorous imprisonment for a period of six months and to pay a fine of Rs.20,000/- and in default of payment of fine, to further undergo rigorous imprisonment for one month.

Learned counsel for the appellant has stated that as per the procedure mentioned under Section 42(4A) of the said Act, the offences which are punishable with imprisonment for a term upto three years, are to be tried by the Court of ordinary jurisdiction and the appeal under Section 76 of the said Act, is provided only in a case where a person is aggrieved by a decision or order of a Special Court. It is submitted that in the present case, the judgment passed is not by the Special Court.

In view of the same, learned counsel for the appellant seeks permission of this Court to withdraw the present appeal with liberty to file the appeal before the appropriate forum.

In view of the above, the present appeal is dismissed as withdrawn with liberty aforesaid.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

17.11.2021

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No