CGHC010328122026 2026:CGHC:44332

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2299 of 2026

Bureau Of Indian Standards Manak Bhawan, 9, Bahadur Shah Zafar Marg, New- Delhi- 110002, Through Shri Ashish Agrawal, S/o Laxmi Narayan Agrawal, Aged About 28 Years, Scientist C, Branch Office - Manakalaya, Plot No. 13/c, Sector 24, Atal Nagar, Nava Raipur, Raipur (C.G.)

--- **Applicant**

versus

1 - M/s. Tejas Enterprises Partnership Firm Through Partners, Office / Business - Nandini Road, Bhilai, Tah. And Distt. Durg (C.G.)

2 - Rahul Agrawal S/o Rakesh Agrawal Aged About 38 Years Partner / Manager M/s. Tejas Enterprises, Office / Business - Nandini Road, Bhilai, Tahsil And District Durg (C.G.)

3 - Rakesh Agrawal S/o Late Shri Khemraj Agrawal Aged About 62 Years Partner / Manager M/s. Tejas Enterprises, Office / R/o - Near A.C.C. Chowk, Nandini Road, Bhilai, Tahsil And District Durg (C.G.)

--- **Respondents**

CRMP No. 2300 of 2026

Bureau Of Indian Standards Mayank Bhawan, 9, Bahadur Shah Zafar Marg, New- Delhi- 110002, Through Shri Phalendra Kumar, S/o Bhoj Ram Thakur, Aged About 35 Years, Scientist D Branch Office-

Manakalaya, Plot No. 13/c, Sector 24, Atal Nagar, Nava Raipur, District- Raipur, (C.G.)

---**Applicant**

Versus

1 - M/s. Technoweld Appliances And Services Partnership Firm Through Partners, Office- Nandini Raod, Bhilai, Tah And Distt. Durg, (C.G.)

2 - Madhavan Suraj Kumar S/o Narayan Madhavan Pillai, Aged About 43 Years, Partner/director- M/s Technoweld Appliances And Services, Nandini Road, Bhilai, Distt. Durg, R/o House No. 401, C.G. Housing Board Colony, New Borsi, Durg, Tahsil And District- Durg, (C.G.)

3 - Narayan Madhavan Pillai S/o Madhavan Pillai, Aged About 72 Years, Partner/director- M/s Technoweld Appliances And Services Nandini Road, Bhilai, Distt. Durg, R/o House No. 401, C.G. Housing Board Colony, New Borsi, Durg, Tahsil And District- Durg (C.G.)

--- **Respondents**

For Applicant	**:**	Mr. Anurag Agrawal, Advocate.
For Respondents	**:**	None.

Hon’ble Shri Justice Naresh Kumar Chandravanshi, J

Order on Board

(13th October, 2026)

Since the issue involved in both these petitions to be considered is one and the same, hence they are being decided by this common order.

02. Challenge in these petitions is to the judgments dated 28.2.2026 passed by Judicial Magistrate First Class, Durg in Criminal Cases No. 7428/2023 and 7426/2023 respectively whereby the

respondents/accused have been acquitted of the charges under Sections 17(1) and 29(3) of the Bureau of Indian Standards Act, 2016 (in short “the Act of 2016”).

03. Learned counsel for the applicants would submit that the respondents/accused have been acquitted on the ground that except complainant Prabhunath Yadav, Scientist D/Joint Director in Bureau of Indian Standards, Raipur Branch, who conducted inspection of the firms of the respondents/accused, no independent witness has been examined. It has further been observed by the trial Court that the complainant admitted that the seized boxes/packets were not opened, therefore, he could not tell as to what was there in the said boxes/packets whereas the complainant himself had inspected the premises of the respondents/accused and found that the respondents had stored carbon magazine steel gas shielded and flux card (tubular) electrodes for self shielded metal welding, which has been proved by him. Despite that the learned trial court has disbelieved his statement without any valid reason. He further submits that since the complainant Prabhunath Yadav was Scientist D/Joint Director and was authorized for conduct and prosecution of complaint before the trial Court vide Ex.P/4, he is the competent authority to carry out inspection of the respondents’ firm but the same has not been accepted by the learned trial court and he is held to be incompetent to carry out such inspection in view of provisions of Section 27 of the Act of 2016. Hence he prays

that the instant petitions may be allowed and leave to appeal against the judgments of acquittal be granted.

04. Heard learned counsel for the applicant and perused the material available on record.

05. Perusal of the record would show that complainant Prabhunath Yadav (PW-1) has examined himself only. As per his deposition, at the relevant time, he was posted as Scientist D/Joint Director, Bureau of Indian Standards, Raipur Branch. In cross-examination he admitted that he was authorized by Shri Sumit Kumar, Head, Raipur Branch Office, Bureau of Indian Standards vide Ex.P/4 to make complaint on behalf of the Bureau against the respondents/accused for conduct and prosecution of the complaint at all stages before the Court. However, he further admitted that his Head was authorized by the Director General of Bureau of Indian Standards but no such document has been produced by him. He also admits that in Ex.P/4 it is nowhere mentioned that Shri Sumit Kumar is the Certification Officer and he has also not filed any such document which could show that Shri Sumit Kumar or himself is the Certification Officer. He admits that he did not seize or produce any partnership deed or other documents concerning the respondents. He also did not file any order of the superior authority issued to him for conducting such survey and inspection. He also admits that the reasonable grounds for conducting inspection and seizure under Section 28 of the Act of 2016 have not been produced before the Court. He further admits that he did not open the

boxes/packets seized and stated that whatever was written on the packets was considered true and written in the seizure memo. He admits that the contents written on the packets can be incorrect.

06. Having considered the cross-examination of the complainant, he ought to have examined some independent witnesses in support of his statement. However, except the complainant, no other witness has been examined. Further, as per provisions of Section 27 of the Act of 2016, Bureau of Indian Standards is the competent authority to appoint Certification Officer. Section 27 of the Act of 2016 reads as under:

> "**27. Appointment and powers of certification officers**.-
>
> (1) The Bureau may appoint as many certification officers as may be necessary for the purpose of inspection whether any goods, article, process, system or service in relation to which the Standard Mark has been used conforms to the relevant standard or whether the Standard Mark has been properly used in relation to any goods, article, process, system or service with or without licence, and for performing such other functions as may be assigned to them.
>
> (2) Subject to any rules made under this Act, a certification officer shall have power to-
>
> (a) inspect any operation carried on in connection with any goods, article, process, system or service in relation to which the Standard Mark has been used; and
>
> (b) take samples of any goods or article or of any material or substance used in any goods, article, process, system or service, in relation to which the Standard Mark has been used.
>
> (3) Every certification officer shall be furnished by the Bureau with a certificate of appointment as a certification officer, and the

certificate shall, on demand, be produced by the certification officer.

(4) Every certified body or licence holder shall-

(a) provide reasonable facilities to certification officer to enable him to discharge the duties imposed on him;

(b) inform certification officer or the Bureau of any change in the conditions which were declared or verified by the certification officer or the Bureau at the time of grant of certificate of conformity or licence.

(5) Any information obtained by a certification officer or the Bureau from any statement made or information supplied or any evidence given or from inspection made under the provisions of this Act shall be treated as confidential:

Provided that nothing shall apply to the disclosure of any information for the purpose of prosecution and protection of interest of consumers."

07. In the instant case, as per deposition of the complainant (PW-1), he was posted as Scientist D/Joint Director, Raipur Branch of the Bureau. Though he has filed authorization letter Ex.P/4 issued by the Head of the Bureau, Raipur Branch, whereby he has been authorized to make complaint on behalf of the Bureau against the respondents/accused for violation of Bureau of Indian Standards Act, 2016 and take all steps necessary for the proper and effective conduct and prosecution of the complaint at all stages before the competent Court to take cognizance of such complaint under the Act of 2016 but the said authorization letter has not been issued by the Bureau defined under Section 3 of the Act of 2016. The said authorization letter

(Ex.P/4) does not declare that the complainant is the Certification Officer for the purpose of carrying out such survey and inspection as has been contemplated under Section 27 of the Act of 2016. This fact has also been admitted by the complainant in his deposition.

08. Learned trial Court considering the admission of the complainant (PW-1) in his cross-examination; the fact that there is no document to prove that the complainant was the Certification Officer as per Section 27 of the Act of 2016; and no independent witness, despite being available, has been examined to substantiate the case against the respondents/accused; and failure of the complainant to prove seizure of the articles from the respondents' firm as per requirement of law, has rightly held that the prosecution has failed to prove the charges under Sections 17(1) and 29(3) of the Act of 2016 against the respondents/accused. The aforesaid findings being based upon proper appreciation of oral and documents evidence on record and in accordance with the provisions of the Act of 2016, this Court finds no good reason to interfere with it.

09. In the result, no case for grant of leave to appeal against the judgments of acquittal is made out. Accordingly, both the petitions being devoid of any substance are hereby dismissed.

Sd/
(Naresh Kumar Chandravanshi)
Judge

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