

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
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IN THE COURT OF DEPUTY COMMISSIONER, RANCHI

Food Safety & Standards Case No.-07 /2016-17

State - Complainant

Vs

Sushil Kumar Srivastava & Another - Accused

ORDER

Present proceeding has been initiated on an application submitted for adjudication alongwith the Letter of Sanction for prosecution, Report of Food Analyst, Form 5 & 6, Notice issued to the accused, receipt and Purchase Report contained in Memo No.-45 dated 30.05.2016 of the DFSO Cum DO Cum ACMO-1, Ranchi, wherein and whereunder the complainant Smt Gulab Lakra, Food Safety Officer, Ranchi has prayed to issue summon and thereupon commence trail against the accused (1) Sushil Kumar Srivastava Son of Late M Prasad, M/s Cake N Snacks, Orchid Mall, Medical Chowk, Bariatu and (2) Staff- Lakhon Das, P.S. Bariatu, District Ranchi as the sample of Kismish is misbranded within the scope of Section 3 (i) (zf) R/w Section 23 of FS&S Act, 2006 by virtue of contravention of Regulation 2.2.2.7 and 2.2.2.10 of the FS&S (Packaging & Labelling) Regulation, 2011, thus the accused have committed an offence punishable U/s 52 of the FS&S Act, 2006.

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3.2.18.

*[Handwritten Signature]*

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According to the complainant, he purchased 400 Grams (100 Grams X 4) Packets of Kismish from the accused for the purpose of analysis on payment of a price of Rs. 160.00 (One Hundred Sixty Only) and thereafter prepared Memorandum in Form VI and sent part of the sealed sample alongwith Form VI to the Food Analyst for analysis and the remaining parts of the sample alongwith form VI was submitted with the Designated Officer.

As per the report of the Food Analyst, the label of the sample in question does not bear name of commodities, net quantity, batch no, date of packing, B.B. date and complete address of Repacker and the FSSAI Licence number is also not specified. Further, as per the Food Analyst, the sample of Kismish is misbranded within the scope of Section 3 (i) (zf) R/w Section 23 of FS&S Act, 2006 by virtue of contravention of Regulation 2.2.2.7 and 2.2.2.10 of the FS&S (Packaging & Labelling) Regulation, 2011.

According to the Learned Government Pleader representing the State, it is proved beyond doubt from the report submitted by the Food Analyst that the label of the sample in question does not bear name of commodities, net quantity, batch no, date of packing, B.B. date and complete address of Repacker and the FSSAI Licence number is also not specified. Further, as per the Food Analyst, the sample of Kismish is misbranded within the scope of Section 3 (i) (zf) R/w Section 23 of FS&S Act, 2006 by virtue of contravention of Regulation 2.2.2.7 and 2.2.2.10 of the FS&S (Packaging &

*[Handwritten Signature]*

देश का  
संख्या और  
तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई  
कारवाई के बारे में  
टिप्पणी, तारीख के  
साथ।

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Labelling) Regulation, 2011, hence the accused have committed offence punishable U/s 52 of the FS&S Act, 2006 and according to Section 52 of the said Act of 2006, any person who whether by himself or by any other person on his behalf manufactures for sale or stores or sell or distributes or imports any article of food for human consumption which is misbranded shall be liable to a penalty which may extent to Rs.3,00,000/-.

On the other hand Learned Advocate appearing behalf of the accused submits that, the accused is not the manufacturer or packer of the sample in question. The accused use to sell commodities of different company in his shop and maintain his family members from the income derived from the shop. As soon as the accused came to know about the report of the sample in question, he has stopped selling the same and he undertakes not to sell any product without verifying the same in future.

Having heard both the parties and on perusal of material available on record, I find that the sample of Kismish is misbranded within the scope of Section 3 (i) (zf) R/w Section 23 of FS&S Act, 2006 by virtue of contravention of Regulation 2.2.2.7 and 2.2.2.10 of the FS&S (Packaging & Labelling) Regulation, 2011, hence the accused are guilty of offence punishable U/s 52 of the FS&S Act, 2011 and for the reasons aforementioned, this proceeding is concluded with a penalty of Rs. 25000/- (Rupees Twenty Five thousand Only) upon the accused persons

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taking in consideration the amount of gain and unfair advantage made as result of contravention aforementioned.

Let demand notice be issued upon the accused for recovery of the said penalty in the name of "Adjudicating Officer-Cum-Deputy Commissioner, Ranchi" through Demand Draft and in case the accused fails to deposit the penalty within the time stipulated in the demand notice, the authority concern shall recover the penalty imposed by instituting Certificate Case under Bihar Public Demand Recovery Act against the accused as provided U/s 96 of the Food Safety & Standards Act of 2006 and till the licence (if any) of the defaulter shall be suspended till the penalty is paid. Further, the Designated Officer shall also ensure that, as per Section 31 of the Act of 2006, the accused shall not commence or carry on any food business during the suspension of the Food Licence of accused.

Communicate this order to the DFSO-CUM- DO- CUM ACMO-1, Ranchi for information and necessary action.

Dictated & Corrected

Adjudicating Officer - cum - Deputy Commissioner, Ranchi

Adjudicating Officer - cum - Deputy Commissioner, Ranchi