

केस का सं० और तारिख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारिख के साथ
1	2	3

IN THE COURT OF THE ADJUDICATING OFFICER - CUM - DEPUTY
COMMISSIONER, RANCHI
F.S.S. Case No.-01/2017-18

22.03.2021

State
Through Alok Kumar
Medical Officer - Cum - Food Safety Officer,
District Leprosy Office, Vikash Bhawan, Ranchi Complainant
-Versus-
Prop, Pankaj Kumar Gupta Son of Late Baijnath Prasad Gupta
M/s Raj Traders, Buchar Gali, Upper Bazar, Ranchi Accused
ORDER

Present proceeding has been initiated upon the letter of adjudication submitted vide Memo No.-91 dated 27.06.2017 by the Food Safety Officer, Ranchi and countersigned by DO-Cum-ACMO-1, Ranchi, wherein and whereunder they have prayed for issuance of summon to the accused person to stand trial and be punished U/s 51 of the Food Safety and Standard Act, 2006.

Further I find that the DO-Cum-A.C.M.O, -1, Ranchi vide No.-91 dated 27.06.2017 has accorded sanction for the prosecution against the accused.

As per the application of adjudication, the complainant is appointed as Food Safety Officer under the provisions of FS&S Act, 2006 and is employed to collect samples of food for analysis. On 02.06.2017 the Complainant inspected the shop of the accused, where he found that he was selling food in the shop. The complainant intended to take the sample of Mustard Oil for the purpose of analysis and issued notice to the accused under Form V(A) intimating his intention. The complainant then purchased Mustard Oil for the purpose of analysis and thereafter the complainant divided the sample of the food into four parts in packets container and sealed in prescribed manner and wrapped the sample packets with paper slips, duly signed by the Designated Officer bearing serial and Code RAN/1480 and took the signature of the accused on the paper slip and wrapper of the sample packets and thereafter the

[Handwritten Signature]



पंजीयन संख्या टेलीफोन नं०
थाना : जिला : यथा स्वीकृति
अधिवक्ता

केस का सं० ओर तारिख	आदेश ओर पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में रिपोर्ट, तारिख के साथ
1	2	3

2

complainant prepared memorandum in form VI and sent part of the sealed sample alongwith Form VI to Food Analyst for analysis and the remaining parts of the same alongwith Form VI were submitted with the Designated Officer.

As per the report of the Food Analyst bearing Report No.-CM:54/FSSA/2017, the sample in question is substandard U/s 3 (zx) of the FS&S Act, 2006.

On repeated call, no one appeared on behalf of the accused to argue the instant case. Hence after hearing State, the instant case was fixed for passing final order.

According to the Learned Government Pleader appearing on behalf of the State, the Food Analyst for the State of Jharkhand vide Report No.-CM:54/FSSA/2017 has declared that the sample in question is substandard U/s 3 (zx) of the FS&S Act, 2006, in view of the fact that according to the prescribed standard as per FSS Act, Rules and Regulation, the B.R. reading at 40.0°C should be between 58.0 to 60.5, but reading of the sample in question was 61.5. Likewise, the Saponification value of mustard oil should be between 168 to 177, but the reading of the value in sample in question was 190.25, i.e. more than prescribed limit. Further as per the report, the Iodine value in mustard oil should be between 96 to 112, but the reading of iodine value in sample in question is 1.6, which is less than prescribed limit. Hence the accused are guilty of committing offence U/s 51 of the FS&S Act.

Heard the State. On perusal of report I find that, it is proved beyond doubt that the sample in question is substandard U/s 3 (zx) of the FS&S Act, 2006, in view of the fact that according to the prescribed standard as per FSS Act, Rules and Regulation, the B.R. reading at 40.0°C should be between 58.0 to 60.5, but reading of the sample in question was 61.5. Likewise, the Saponification value of mustard oil should be between 168 to 177, but the reading of the value in sample in question was 190.25, i.e. more than prescribed limit. Further as per the report, the Iodine value in mustard oil should be between 96 to 112, but the reading of iodine value in sample in question is 1.6, which is less than prescribed limit. Hence I find that the Accused is guilty of Offence U/s 51 of the FSS

5

पंजीयन संख्या टेलीफोन नं०
थाना : जिला : यथा स्वीकृति
अधिवक्ता

केस का सं०
ओर तारिख

आदेश ओर पदाधिकारी का हस्ताक्षर

आदेश पर की गई कार्रवाई
के बारे में टिप्पणी, तारिख
के साथ

1

2

3

Act, 2006. For the reasons aforementioned and taking into consideration the amount of gain and unfair advantage, made as a result of the contravention of the provisions of the Act of 2006 by the accused, this proceeding is concluded with a fine of Rs 1,00,000 - (Rupees One lakh Only)

Let demand notice be issued upon the accused for recovery of the said penalty in the name of Adjudication 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 by instituting certificate case under the Bihar Public Demand Recovery Act against the accused as provided U/s 96 of the Food Safety & Standard Act of 2006 and till then the license (if any) of the defaulter shall remain suspended. 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 License of the Accused

Communicate this order to the Food Safety Officer and Designated Officer for information and needful.

Dictated and corrected by me

Deputy Commissioner
Ranchi

Deputy Commissioner
Ranchi

Order
communicated to
Designated officer
Cum SDO and
Food Safety
officer Ranchi
for information &
a wide memo
no 741 (1)
dt. 30.3.21
803.21

पंजीयन संख्या
थाना :

जिला :

टेलीफोन नं०

यथा स्वीकृति
अधिवक्ता