

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

IN THE COURT OF THE ADJUDICATING OFFICER – CUM – DEPUTY
COMMISSIONER, RANCHI

F.S.S. Case No.-09/2017-18

28
192.90

State

Through Dr Vinod Kumar

I/C Medical Officer – Cum –

Food Safety Officer,

CHC Namkum, Ranchi

..... Complainant

-Versus-

Mr Sikandar Prasad Son of Nathun Prasad

Tanker Driver, R/o Telahara, District Nalanda (Bihar)

At Present Tranker No.-JH 01BU 0712

P.S. Namkum, Ranchi

..... Accused

ORDER

Present proceeding has been initiated upon the application for adjudication submitted vide Memo No.-101 dated 14.07.2017 by the Food Safety Officer, Ranchi and countersigned by the Designate Officer, Ranchi , wherein and whereunder they have prayed to summon the accused to stand trial and be punished U/s 51 of the Food Safety and Standard Act, 2006.

As per the application for adjudication, the complainant is appointed as Food Safety Officer under the provisions of the Food

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Safety and Standard Act, 2006 and is presently posted in Namkum Ranchi and employed to collect samples of food for analysis. On 04.06.2017 at 01:30 PM, the Complainant inspected the shop of the accused no.-1, where he found that the accused was selling food item. The complainant intended to take the sample of Pasteurized Milk for the purpose of analysis and issued notice to the accused under Form V(A) intimating his intention. The complainant then purchased 250 ml X 4 Packet of Pasteurized Milk 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/1484 and took the signature of the accused on the paper slip and wrapper of the sample packets and thereafter the 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:58/FSSAI/2017, it has been opined that sample in question taken for analysis i.e. the pasteurized milk is sub-standard U/s 3 (zx)

Ranjit

10/11/17

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of FS&S Act 2006, in view of the fact that the sample in question contain less milk fat and milk solid not fat less than prescribed standard as per provision of the FSS Act, Rules and Regulation.

According to the accused, the instant proceeding initiated against him is not maintainable, as the accused is neither manufacturer, seller, distributor or importer of the seized sample. The accused is merely a driver of a tanker and he was carrying the milk in liquid form from Jharkhand State Co-operation Milk Producers Federation Ltd, Unit Hotwat Dairy plant to Aasma Dairy Hazipur Bihar having a valid challan and on the way he was caught by the complainant without any rhyme and reason. The accused has not committed any offence under the FSS Act 2006 and he has been falsely implicated in the case.

Having gone through the record and on perusal of report I find that, sample in question taken for analysis i.e. the pasteurized milk is sub-standard U/s 3 (zx) of FS&S Act 2006, in view of the fact that it contained less milk fat and milk solid not fat less than prescribed standard as per provision of the FSS Act, Rules and Regulation, but as the accused in merely a driver of the tanker in which milk was transported and is not a manufacturer, seller, distributor or importer of the sample taken for analysis, hence it

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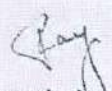
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appears that he liable to be held guilty of the offence U/s 51 of the FS&S Act, 2006. Hence the instant proceeding is dropped against the accused with a warning to the Jharkhand State Co-operation Milk Producers Federation Ltd that in future if upon enquiry it is found that it is engaged in supplying sub-standard milk, necessary action would be taken against it.

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
D.O cum A.C.M.O.
Ranchi/ Food safety
officer Ranchi for
information and
necessary action
vide Memo no
307 (ii) dt. 24.2.20
24.2.20