

| केस का सं० और तारीख | आदेश और पदाधिकारी का हस्ताक्षर | आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारीख के साथ |
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02.09.2022

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

F.S.S. Case No.-24/2017-18

State

Through Sri Krishna Prasad Singh

Food Safety Officer, Ranchi

...Complainant/Petitioner

-Versus-

Om Prakash Singh S/o Sri Hem Singh, the Proprietor of M/s Om
Bikaner Misthan Bhandar, Malabar Enclave, Bariatu, Ranchi

.... Accused/Respondent

ORDER

Present proceeding has been initiated on the basis of an application for adjudication submitted Sri Krishna Prasad Singh, Food Safety Officer, Ranchi vide Memo No.-240 dated 18.12.2017 by the Complainant/Petitioner, Mr. Krishna Prasad Singh, Food Safety Officer, Ranchi and countersigned by the Designated Officer – Cum – ACOMO-1, Ranchi praying therein inter-alia to issue summon upon accused/Opp. party Om Prakash Singh S/o Sri Hem Singh the proprietor of M/s Om Bikaner Misthan Bhandar, Malabar Enclave, Bariatu, Ranchi to stand trial and be punished U/s 52 of the Food Safety and Standard Act, 2006.

It is apparent from the record that, the Designated Officer – Cum – ACOMO-1, Ranchi vide No.- 239 dated 18.12.2017 has accorded sanction for prosecution against the accused/Opp. Party

As per the application for adjudication submitted by the

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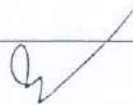
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complainant/petitioner, he is appointed as Food Safety Officer under the provision of Food Safety and Standards Act, 2006 and is present posted in Ranchi and is employed to collect samples of food for analysis.

On 09.10.2017 at around 01.30 P.M, the Complainant /petitioner purchased 150 grams x 4 packets of 'Ladoo' for the purpose of analysis from the shop of the accused/Opp. Party. Thereafter, he divided the samples of food into 4 parts in packets container, sealed it in prescribed manner and wrapped the sample packets with paper slips duly signed by designated officer bearing serial and code RAN/1563. The complainant /petitioner thereafter prepared Memorandum in Form VI and sent part of the sealed sample along with Form VI to the Food Analyst for analysis.

As per the report of the Food Analyst bearing Report No.-CM:352/FSSAI/2017 signed on 13.10.2017, the sample in question is misbranded as it contains "other oil" than soyabean oil as well as ghee under Section U/s 3 (zf) (A) (i) of FS&S Act, 2006.

According to the Learned Counsel appearing on behalf of the accused/opp. party, the search and seizure of the sample in question was not done as per the provisions laid under the Food Safety and Standard Act, 2006. As per the complainant the sample was packed, sealed and wrapped and the signature of the complainant/petitioner and accused /opp. party was taken on it, but contrary to the said fact, the packing was done by him in plastic packet, which goes to suggest that the seizure was not done as per the norms laid under Act of 2006. The allegation leveled against the accused /opp. party is false and concocted. The accused/ opp. party had never offered or claimed that the sample in question ladoo taken for analysis has been prepared in soyabean oil or ghee.



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Having heard both the parties and on perusal the report submitted by the Food Analyst I find that, the sample in question taken for analysis i.e. Ladoo has been claimed to be misbranded as it contains "other oil" other than soyabean oil as well as ghee. In the application for adjudication submitted by the complainant, no where it is mentioned, whether the sample in question taken for analysis was claimed or offered to have been prepared in soyabean oil or ghee?

Hence for the reasons aforementioned and taking in consideration, the gravity of the offence, this proceeding is hereby dropped.

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