

केस का सं० ओर तारिख	आदेश ओर पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारिख के साथ
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11.01.2021	<p style="text-align: center;">IN THE COURT OF THE ADJUDICATING OFFICER – CUM – DEPUTY COMMISSIONER, RANCHI</p> <p style="text-align: center;"><u>F.S.S. Case No.-5/2018-19</u></p> <p>State</p> <p>Through Sri Krishna Prasad Singh</p> <p>Food Safety Officer,</p> <p>CS Office, Sadar Hospital Campus, Ranchi Complainant</p> <p style="text-align: center;">-Versus-</p> <p>Mr Ashok Kumar Choudhary Son of Ram Baran Choudhary</p> <p>M/s Ashok Kumar Choudhary, Sundry Shop No.-3</p> <p>AMY, Pandra, Ranchi - 834005 Accused</p> <p style="text-align: center;">ORDER</p> <p>Present proceeding has been initiated upon the application for adjudication submitted vide Memo No.-75 dated 31.03.2018 by the Food Safety Officer, Ranchi and countersigned by the Designated Officer – Cum – ACOMO-1, 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.</p> <p>Further I find that, Designated Officer – Cum – ACOMO-1, Ranchi vide No.74 dated 31.03.2018 has accorded sanction for prosecution against the accused.</p> <p>As per the application for adjudication, the complainant is appointed as Food Safety Officer under the provisions of the Food Safety and Standard Act, 2006. He is presently posted in Ranchi and employed</p>	

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to collect samples of food for analysis. On 09.12.2017 at 04:00 PM, the Complainant inspected the shop of the accused, where he found that the accused was selling of food in the shop. The complainant intended to take the sample of Iodized Salt I Plus for the purpose of analysis, for which he issued notice to the accused under Form V(A) intimating his intention. The complainant then purchased 1 Kg X 4 Packet of Iodized Salt I Plus for the purpose of analysis on payment of Rs.24/-. The Complainant thereafter divided the sample of the food into four parts in packets container, sealed in prescribed manner and wrapped the sample packets with paper slips duly signed by the Designated Officer bearing serial and Code RAN/1593. The Complainant also took the signature of the accused on the paper slip and wrapper of the sample packets. Thereafter the complainant prepared memorandum in form VI and sent part of the sealed sample alongwith Form VI to Food Analyst for analysis. He submitted the remaining parts of the same alongwith Form VI with the Designated Officer.

As per the report of the Food Analyst bearing Report No.-CM:418/FSSAI/2017, it has been opined that sample in question taken for analysis i.e. Iodized Salt I Plus is substandard U/s 3 (zx) of FS&S Act, 2006 as it is deficient in Nacl (Sodium Chloride) and exceeds limits of matter soluble in water other than Nacl (Sodium Chloride).

According to the learned Advocate appearing on behalf of the accused, the allegation leveled by the complainant relates to analysis of Iodized Salt I Plus, whereas the Food Safety Officer has taken sample of Iodized IO Plus from the business premises of the accused. While taking the sample in question for analysis, the complainant has not adhered the mandatory provision of law. Neither the complainant took the signature

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of any independent witness nor he has paid cost of the same. As per Rules 2.2 (4) of the Jharkhand Food Safety and Standard Rules, 2011, it was necessary to give notice to the manufacturer, distributor or supplier of the Iodized Salt IO Plus, but no notice under the aforementioned provision was served to them. The report of food analyst has not disclosed the method of analysis. The instant proceeding is not maintainable against the accused.

On the other hand according to the learned Government Pleader appearing on behalf of the State, the allegation leveled against the accused has been proved beyond doubt as according to the report of Food Analyst, contains addition of anti cracking agents and is sub-standard U/s 3(zx) of FS&S Act as it deficient in Nacl and exceed the limit of matter soluble in water other than Nacl, hence the accused is liable to be punished U/s 51 of the FS&S Act.

Having heard both the parties and on perusal of report I find that, the sample in question taken for analysis i.e. Iodized Salt IO Plus contains addition of anti cracking agents and is sub-standard U/s 3(zx) of FS&S Act as it deficient in Nacl and exceed the limit of matter soluble in water other than Nacl. Hence I find that the Accused is guilty of Offence U/s 51 of the FSS Act, 2006.

For the reasons aforementioned and taking into consideration the amount of gain, unfair advantage, etc 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 25,000/- (Rupees Twenty Five Thousand Only)

Let demand notice be issued upon the accused for recovery of

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the said penalty in the name of Adjudication Officer-Cum-Deputy Commissioner, Ranchi through Demand Draft. 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. 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