

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.10830 OF 2016 &
Crl.M.P.No.5642 of 2016

1. M/s.Ayurwin Pharma Private Limited,
rep. by its Managing Director
Mr.Shivakumar Ponnathapur Byregowda,
1094, 19th Main Road,
1st Block, Rajah Nagar,
Bangalore-560 010.

2. Mr.Shivakumar Ponnathapure
Byregowda
Director of M/s.Ayurwin Pharma
Private Limited

3. Ms..Parvathakkal Rudresh Swetha .. Petitioners/Accused

versus

Drugs Inspector,
Teynampet Range,
The Asst.Director of Drugs Control,
Zone III, D.M.S.Campus,
259-261, Annasalai,
Teynampet, Chennai-600 006. ..Respondents/Complainant

Prayer: This petition is filed under Section 482 Cr.P.C.,
praying to quash the summons dated 22.4.2016 issued to the
petitioners/accused in C.C.No.1318 of 2016 on the file of IV
Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr.V.Parthiban for
M/s.Mission Legal

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition is filed, praying to quash the summons
dated 22.4.2016 issued to the petitioners/accused in
C.C.No.1318 of 2016 on the file of IV Metropolitan Magistrate
Court, Saidapet, Chennai.

2. Having heard the exhaustive arguments put forth by
both sides, when this Court is about to dismiss the petition
on merits, the learned counsel appearing for the petitioner
seeks permission to withdraw the petition with a liberty to
raise all the points which were canvassed in this petition,

before the trial Court. He also made an endorsement to that effect. The learned counsel also seeks this Court to dispense with the personal appearance of the petitioners before the trial Court.

3. Permission as sought for is granted. Recording the endorsement made by the learned counsel for the petitioner, this Criminal Original Petition along with connected Crl.M.P. is dismissed as withdrawn, with liberty as prayed for. It is made clear that as and when the petitioners appear before the trial Court, the trial Court is directed to release them on bail on the same day, on furnishing a bond for Rs.10,000/- along with two sureties to the satisfaction of the learned Magistrate, in terms of Section 436 Cr.P.C. Thereafter, the petitioners shall get along with the case by appearing before the trial Court for purpose of their examination under Sections 239 Cr.P.C. and 313 Cr.P.C. and on the date of verdict and for the rest of dates, the personal attendance of the petitioners, is dispensed with, subject to filing a petition under Section 317 Cr.P.C., with an undertaking that they shall not dispute their identity and their counsel will cross-examine the witnesses on the same date when they are examined in chief, as directed by the Hon'ble Supreme Court in *Vinoth Kumar vs. State of Punjab* [2015(1) MLJ (crl) 288]". If the petitioners adopt any dilatory tactics, it is open to the trial Court to remand them to judicial custody in terms of the law laid down by the Supreme Court in *"State of Uttar Pradesh v. Shambjunath Singh"* [JT 2001 (4) SC 319].

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The VI Metropolitan Magistrate, Saidapet, Chennai.
2. -do- This Chief Metropolitan Magistrate, Chennai.
3. The Public Prosecutor, High Court, Madras.
4. Drugs Inspector, Teynampet Range,
The Asst. Director of Drugs Control,
Zone III, D.M.S. Campus, 259-261, Annasalai,
Teynampet, Chennai-600 006.

+ 1 cc to M/s. Mission Legal, Advocate SR.55226

CRL.O.P.No.10830 of 2016