

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.17332 of 2016

and

Cr1.M.P.Nos.8305 and 8306 of 2016

Rajkumar

... Petitioner

Vs

The State rep by
Food Safety Officer
Sooramangalam Region
Salem Town
Food Safety and Drug Administration Department
Old Nattanmai Kazhaga Building Complex
Salem 636 001.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in STC No.201 of 2016 on the file of the Judicial Magistrate No.III, Salem and quash the same.

For Petitioner : Mr.B.Jawahar

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

सत्यमेव जयते
O R D E R

When this Court was about to dismiss the case on merits, the learned counsel for the petitioner sought permission of this Court to withdraw this petition and he has also made an endorsement to that effect.

2. In view of the above endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

3. At that juncture, the learned counsel for the petitioner submitted that the presence of the petitioner before the trial Court may be dispensed with. The petitioner is directed to be present for receiving the complaint, for answering the charge, at the time of questioning under Section

313 Cr.P.C. and at the time of passing judgment. The petitioner shall file an affidavit of undertaking before the trial Court that he will not dispute his identity and that his counsel will cross examine the prosecution witnesses on the day they are examined-in-chief and that they will not adopt dilatory tactics. On such undertaking, the trial Court shall dispense with the personal appearance of the petitioner. The trial Court shall ensure that the accused cross examines the witnesses on the day they are examined-in-chief as directed by the Supreme Court in Vinoth Kumar vs. State of Punjab [2015(1) MLJ (crl) 288]. If the accused adopts any dilatory tactics, it is open to the trial Court to remand him to custody in terms of the law laid down by the Supreme Court in State of Uttar Pradesh v. Shambunath Singh [JT 2001 (4) SC 319].

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gms

To

- 1.The Food Safety Officer
Sooramangalam Region
Salem Town, Food Safety and Drug Administration Department
Old Nattanmai Kazhaga Building Complex
Salem 636 001.
- 2.The Judicial Magistrate No.III,
Salem.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.B.Jawahar, Advocate, S.R.No.45917

Crl.OP No.17332 of 2016

PPA (CO)
CA(22/08/2016)