



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Sixth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.10525 of 2016

IN

CRL RC(MD) No.736 of 2016

1 AROCKIYAM,
2 SOMASUNDARAM,

... PETITIONERS/PETITIONERS

Vs

THE FOOD PROTECTION OFFICER,
DEVAKOTTAI, NO.195

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in CA No. 35 of 2015 dated 20.10.2016 on the file of the Learned Sessions Judge , Fast Track Mahila Court, Sivagangai and enlarge the petitioner on bail pending disposal of the above Crl. RC.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.KANNAN, Advocate for the petitioner and of MR.P.KANDASAMY Government Advocate (Crl.Side) for the Respondent while admitting the Criminal Revision Petition the court made the following order:-

The petitioners challenge the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioners are accused in S.T.C.No.1710 of 2014, on the file of the learned Judicial Magistrate, Devakottai.

3. In the said Court, the petitioners have been convicted and sentenced as under:

Conviction	Sentence
Section 59(1) of Food Safety and Standard Act, 2006	Each 6 Months R.I., and fine of Rs.10000/- in default, 1-1/2 months S.I.

4. The Learned Sessions Judge, Fast Track Mahila Court, Sivagangai modified the conviction and sentence and dismissed the Criminal Appeal No.35 of 2015, by modifying the sentence from 6 months to 2 months.



5. The learned counsel for the petitioners submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and by the Appellate Court and they are required to be revised. There is *prima facie* case in favour of the petitioners. He would further submit that the name of one Balamurugan, is printed in the 'Nannari Syrup' bottle but he was not examined by the complainant. He also submitted that fine amount was paid.

6. The learned Government Advocate (Criminal Side) submitted that the Trial Court as well as the Appellate Court have rightly convicted and appropriately punished the revision petitioners. There is no *prima facie* case in favour of the petitioners/appellants.

7. I have anxiously considered the rival submissions, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

8. Perusing the impugned judgments and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal revision. They are required to be examined in detail in the main criminal revision. It will take some time for the disposal of this criminal revision. Further, the petitioners were on bail in the Trial Court. I see *prima facie* case. I am inclined to grant revision bail to the petitioners.

9. In view of the foregoing, ordered as under:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court alone is suspended.
- (iii) There shall be two sureties, and each petitioners shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Sivagangai.
- (iv) The petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

26/10/2016

/ TRUE COPY /



MPK
TO

1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT, SIVAGANGAI

2 THE JUDICIAL MAGISTRATE, DEVAKOTTAI

3 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

4 THE FOOD PROTECTION OFFICER,
DEVAKOTTAI,

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

6 THE SUPERINTENDENT CENTRAL PRISON,
TRICHY.

+1. C.C. to M/S.V.KANNAN Advocate SR.No.63765

GJM/PV/SAR-III-26.10.16-3P-8C

ORDER

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Date :26/10/2016