

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.O.P.No.1845 of 2012
and Crl.M.P.Nos.1 and 3 of 2012

1. Universal Biomedics
Rep. by its Partner,
18, Pushpa Nagar, I Street,
Nungambakkam, Chennai - 34.
2. Daniel Peter
3. S.I.Sriram ... Petitioners

Vs

The Union of India,
Rep. by Drugs Inspector,
CD & Co., South Zone,
Shastri Bhavan Annexe,
26, Haddows Road,
Chennai - 6. ... Respondent

Prayer : Criminal Original Petition is filed Under Section 482 of the Criminal Procedure Code, praying to call for the records in C.C.No.2918 of 2010 on the file of the X Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioners : Mr.K.P. Prabhuraj
for Mr.R.Srinivas

For Respondent : Mr.A.Kumaraguru,
Senior Central Government Pleader

O R D E R

The prayer sought for in the present petition is to call for the records in C.C.No.2918 of 2010 on the file of the X Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

2. Heard both sides.

3. The only main ground on which the petitioner has filed the present petition is that goods were seized on 06.06.2007 by the respondent and the cognizance was taken on file by the Judicial Magistrate on 19.07.2010, which is far beyond the period prescribed. It is not in dispute that the cognizance was taken on 19.07.2010, which is after the period of limitation. Nevertheless, since the delay was only for a period of one month and 13 days, under Section 473 of Cr.P.C, the Court is empowered to condone the delay for taking cognizance of an offence after the period of limitation, if it is satisfied with the facts and circumstances of the case, the delay has been properly explained and it is necessary so to do in the interest of justice.

4. In the present case, the learned Central Government Standing Counsel submitted that the petition was presented in time, but the delay occurred only due to processing of application for the purpose of taking cognizance. In my view, the explanation for the delay seems to be acceptable. In the result, the delay in taking cognizance can be condoned and is accordingly condoned.

5. The learned counsel for the petitioner has also raised several other grounds touching upon the facts of the case. It is needless to point out that all these grounds can be raised before the trial Court during the course of trial or at the time of arguments. I do not intend to give any of my views with regard to the factual aspects, since the same may appear in the proceedings before the trial Court.

6. In the result, this Criminal Original Petition stands closed. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

asi/ak

To

The X Metropolitan Magistrate Court, Egmore, Chennai.

+1cc to Mr.A.KUMARAGURU, Advocate, S.R.No. 82929

CrI.O.P.No.1845 of 2012
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TR(13/12/2017)