



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

Tuesday, the Twenty Eighth day of November Two Thousand Seventeen
PRESENT

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

CRL MP(MD) No.10822 of 2017

IN

CRL RC(MD) No.884 of 2017

WEB COPY

1 DHARMARAJAN
2 SARAVANAN

... PETITIONERS/ APPELLANTS

Vs

FOOD SAFETY OFFICER,
THENI, THENI TOWN AREA,
THENI DISTRICT.

... 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 which was imposed in the order dated 08.09.2017 passed in Criminal Appeal No.42 of 2016 on the file of the Additional District and Sessions Court, Theni at Periyakulam by confirming the conviction order dated 08.03.2016 passed in S.T.C.No.01 of 2016 on the file of the Judicial Magistrate Court, Theni and allow this Criminal Miscellaneous Petition pending disposal of the Criminal Revision Petition.

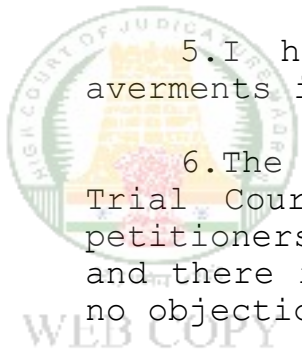
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.BASHYAM, Advocate for the petitioners and of M/S.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL RC, the court 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 the accused in S.T.C.No.1 of 2016 on the file of the Judicial Magistrate, Theni convicting them to undergo 3 months S.I.and imposed fine of Rs.5000/- in default to undergo 2 weeks S.I.for the offence under Section 59(i) of Food Safety and Adultration Act, 2006.

3.While preferring an appeal before the learned Additional District and Sessions Court, Theni at Periyakulam, the learned Appellate Court confirmed the conviction and sentence and dismissed the Criminal Appeal No.42 of 2016.

4.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.



5.I have anxiously considered the submissions, perused the averments in the bail petition, impugned Judgment.

6.The learned Additional Public Prosecutor submitted that the Trial Court and the Appellate Court have rightly convicted the petitioners on the basis of the evidence adduced by the prosecution and there is no prima facie case in this revision. However, he has no objection to grant order of suspension.

7.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. I see prima facie case. I am inclined to grant revision bail to the petitioners.

8. 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, they and the petitioners shall execute a bond for Rs.10,000/- (Rupees ten thousand only) each to the satisfaction of the learned Judicial Magistrate, Theni.
- (iv) The petitioners shall appear before the concerned Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-
28/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THENI AT PERIYAKULAM.
- 2. THE JUDICIAL MAGISTRATE, THENI.
- 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.
- 4. FOOD SAFETY OFFICER, THENI, THENI TOWN AREA,
THENI DISTRICT.
- 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.T.BASHYAM Advocate SR.No.35252

ORDER IN
CRL MP(MD) No.10822 of 2017 IN
CRL RC(MD) No.884 of 2017
Date :28/11/2017