

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Appeal No.710 of 2013

The Assistant Commissioner of Central Excise
Erode Division
Now Assistant Commissioner of Central Excise
Erode I Division. ... Appellant

... Vs ...

1.M/s Sri Jeyalakshmi Printing Mills
Rep. By its Partner Mr.N.R.Nachimuthu
No.130-A/SF.No.327/2, Perundurai Road
Pudur, Pudupalayam, Erode.

2.Mr.N.R.Nachimuthu ... Respondents

PRAYER: Criminal Appeal filed under Section 378 Cr.P.C., to set aside the order of acquittal of the respondents passed by the Additional District Judge-II, Erode passed in Criminal Appeal No.96/2011 dated 10/10/2012 and restore the order of the conviction passed by the Judicial Magistrate No.I, Erode passed in C.C.No.562 of 1999 dated 09/08/2011.

For Appellant : Mr.V.Sundareswaran

For Respondents : Ms.Zeenath Begam for R2
R2-died (Memo filed)
R1-NO appearance (Notice sd)

JUDGMENT

The learned counsel for the petitioner seeks permission of this Court to withdraw the Criminal Appeal and he has also made an endorsement to that effect.

2. This Court has directed the 2nd respondent to give particulars of the 1st respondent company. For which, the 2nd respondent sent notice to the 1st respondent, and it has been returned with "No such addressee". Neither the 2nd respondent nor the appellant can able to find out the 1st respondent.

3. The appellant, being an Assistant Commissioner of Central Excise, Erode, not able to verify whether the 1st respondent company is now existing or not. The Criminal Appeal is pending before this Court for the past 5 years, due to the irresponsibility of the government officials, who hold the post of Assistant Commissioner of Central Excise, Erode. For these years, which highly caused waste of judicial time. Further, because of filing of this Criminal Appeal, there is a loss to the Government exchequer. Therefore, directing the appellant Department to deduct the amount which was spent for litigation expenses in respect of this case, would meet the ends of justice.

4. In view of the above, the appellant Department is directed to deduct the amount which was spent towards litigation expenses in respect of this case from the officials who are responsible viz., who hold the post of Assistant Commissioner of Central Excise, Erode, from 21.10.2013 to till today, and remit the same to the account of Government exchequer. The said exercise shall be completed within a period of three months from the date of receipt of copy of this Judgment and the same shall be communicated to the Registrar Judicial of this Court. Further, this Court directs the Department to conduct disciplinary proceedings against the officers concerned for being not taking any steps to find out the 1st respondent company.

5. With the above observation, the Criminal Appeal is dismissed as withdrawn.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jer
To

1.The Judicial Magistrate No.1,
Erode.

2.-Do- thro The Chief Judicial Magistrate,
Erode.

3. The Additional District Judge-II,
Erode.

4. The Registrar Judicial
Madras High Court.

Copy to

1.The Assistant Commissioner of Central Excise,
Erode Division,

Now Assistant Commissioner of Central Excise,
Erode-1 Division.

2.The Section Officer,
Criminal Section, High Court, Madras.

+1cc to Mr.Sundareswaran, Advocate Sr.65882

+1cc to M/S. Zeenath Begum, Advocate Sr.65897

Criminal Appeal No.710 of 2013

mg[co]
srg 2/3/2019



WEB COPY