

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2018

C O R A M

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.No.31546 of 2013

and

M.P.No. 1 of 2013

M/s.Williamson Magor and Company Limited
No.768, Anna Salai,
Chennai 600 002
Rep.by its Authorized Signatory,
Kasi Viswanathan.

... Petitioner/Appellant /A1
Vs.

The Assistant Collector of Central Excise,
Prosecution,
Office of the Collector of Central Excise,
Madras. ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to withdraw CA.No.223 of 2010 now pending on the file of the learned Principal Sessions Judge, City Civil Court, Chennai and transfer it to the file of this Court for being heard along with Crl.A.No.35 of 2011.

For Petitioner : Mr.Arunprasad

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor

सत्यमेव जयते
ORDER

The petitioner is the appellant/first accused in C.A.No.223 of 2010 on the file of the learned Principal Sessions Judge, City Civil Court, Chennai. He has filed the present petition to transfer CA.No.223 of 2010 to the file of this Court for being heard along with Crl.Appeal.No.35 of 2011.

2. The case of the petitioner/first accused is that the learned Additional Chief Metropolitan Magistrate, EO-I, Egmore, Chennai, found the accused guilty of the offences under Sections 9(1)(b), 9(1)(c)(i), 9(1)(bbb)(i) of erstwhile Central Excise and Salt Act, 1944, in EOCC.No.82 of 1994, vide judgment dated 26.10.2010. The accused was also convicted and sentenced to pay

a fine of Rs.50,000/-. As against the said judgment an appeal in CA.No.223 of 2010 was filed by the petitioner before the Principal Sessions Judge, City Civil Court, Chennai and during the pendency of the said appeal, the petitioner received summons in Crl.Appeal No.35 of 2011 on the file of this Court filed by the respondent department against the judgment dated 26.10.2010 in CC.No.82 of 1994. It is the contention of the petitioner that since the arguments to be advanced in both the appeals are one and the same, in order to avoid multiplicity of proceedings and conflicting judgments, the Appeal in CA.No.223 of 2010 on the file of the Principal Sessions Judge, City Civil Court, Chennai should be transferred to this Court and heard along with Crl.Appeal No.35 of 2011 on the file of this Court.

3. Heard, Mr.Arunprasad, learned counsel for the petitioner and Mr.N.P.Kumar, learned Special Public Prosecutor for the respondent.

4. The learned Special Public prosecutor submitted that he has no objection in transferring C.A.No.223 of 2010 pending on the file of the Principal Sessions Judge, City Civil Court, Chennai to the file of this Court for being heard along with Crl.Appeal.No.35 of 2010. Since the arguments to be advanced in both CA.No.223 of 2010 and Crl.Appeal No.35 of 2011 are one and the same, it is just and necessary to transfer CA.No.223 of 2010 on the file of the Principal Sessions Judge, City Civil Court, Chennai to the file of this Court and both the cases should be heard jointly.

5. The learned Principal Judge is directed to send the records relating to C.A.No.223 of 2010, as early as possible to this Court. With the above observations, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

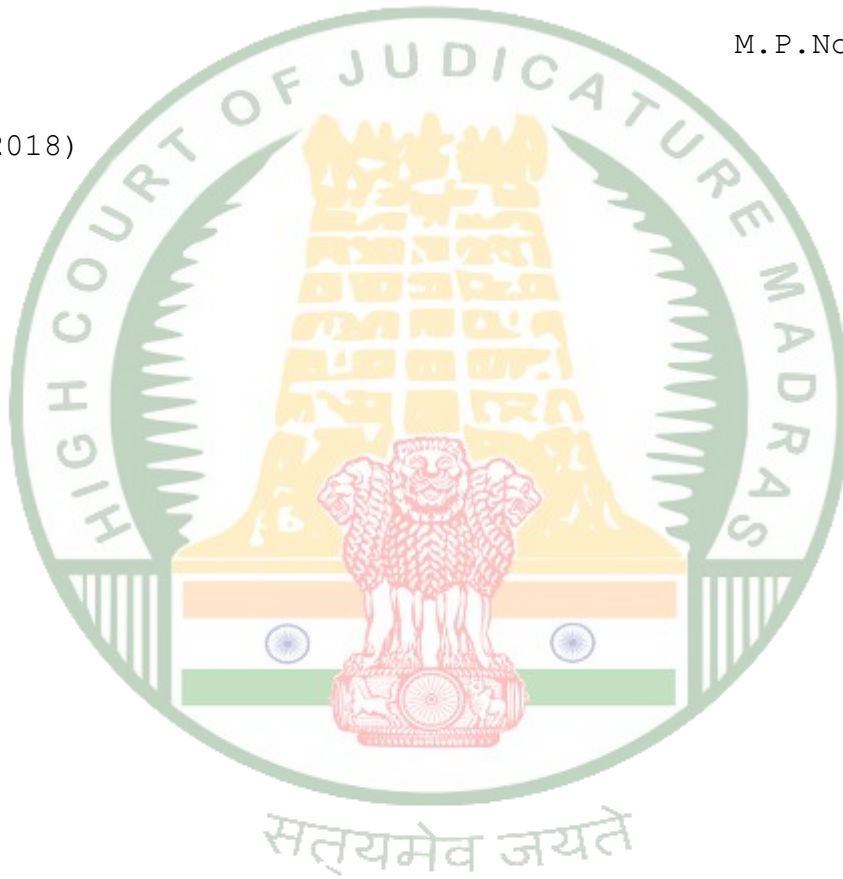
- 1.The Assistant Collector of Central Excise,
Prosecution,
Office of the Collector of Central Excise,
Madras.

2. The Public Prosecutor,
Madras High Court, Madras.

+1 CC to Mr.C. Manishankar, Advocate sr 36824.

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PVS (CO)
SP (02/07/2018)



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