



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl OP(MD)No.15270 of 2018

and

CrlMP(MD)Nos.6744 and 6745 of 2018

1.V.Kalyana Raman

2. V.Vasanth

... Petitioners

Vs.

The State represented by
The Drug Inspector,
Trichy-II Range,
Trichy Zone,
Trichy - 620 018.

...Respondent

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the CC.No.241 of 2018 on the file of the learned Judicial Magistrate Court No.I, Trichy and quash the same as illegal.

For Petitioner : Mr.K.Sivabalan

For Respondent No.1: Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl Side)

ORDER

This petition has been filed to quash the proceedings pending in CC No.241 of 2018 before the learned Judicial Magistrate No.I, Trichy.

2.The sum and substance of the arguments raised by the learned Counsel for the petitioner is that the entire search and seizure was carried out in a illegal manner and without complying with the provisions of the Drugs and Cosmetics Act. This Court finds that the ground that has been raised by the petitioner is not a ground for quashing the complaint.

3.It is left open to the petitioner to raise all the grounds that have been raised in this petition, before the Court below and the Court below shall consider the same independently on the merits of the case.



4.The learned Counsel for the petitioner at this juncture submitted that the presence of the second petitioner may be dispensed with, since she is aged about 63 years.

5.Accepting the said submission, the presence of the second petitioner before the trial Court shall be dispensed with on condition that she shall be present at the time of questioning under Section 313 of CrPC and at the time of passing judgment.

6.The second petitioner is further directed to give an undertaking in the form of affidavit that the Counsel representing her will cross examine the prosecution witnesses on the day they are examined in chief. The second petitioner shall not dispute the identity of the witnesses. If the second petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for her appearance and deal with the second petitioner in accordance with the judgment of Supreme Court of India, in State of **Uttar Pradesh Vs. Shambunath Singh**, reported in **JT 2001(4) SC 319**.

7.This Court does not find any merit in this petition. Accordingly, this petition is dismissed. Consequently, Cr1MP(MD) Nos.6744 and 6745 of 2018 are closed.

Sd/-

Assistant Registrar (CRL-SIDE)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate Court No.I,
Trichy.

2.The Drug Inspector,
Trichy-II Range,
Trichy Zone,
Trichy - 620 018.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

DSK

BU/RP/SAR-III :09.10.2018 : 2P/4C