

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.14825 of 2019

and

CRL.M.P.Nos.7254 and 7256 of 2019

Thiru.G.Subramaniam ...Petitioner /Accused

Vs.

1.The Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.
(Crime No.196/2018)

2.S.Amsaveni, D.T.T., M.Com.,
Asst.Director/Asst.Enforcement Officer,
The Handlooms (Reservation of Articles
for Production) Act, 1985,
Room.No.601 to 603, 6th Floor,
Tiruppur District Collectorate Complex,
Palladam Road,
Tiruppur - 641 604. ...Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the case in STC No.228/2019 and quash the charge sheet filed against the petitioner.

For Petitioner : Mr.V.Lakshai Sajin Kumar

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor
(for R1)

WEB COPY

ORDER

This petition has been filed challenging the final report filed by the 1st respondent against the petitioner for an offence under Sections.5 and 10 of the Handlooms (Reservation of Articles for Production) Act, 1985.

2. The learned counsel for the petitioner submitted that the 1st respondent police ought not to have registered the F.I.R and conducted the investigation and a complaint can only to be filed by way of a private complaint by the concerned authority.

3. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials placed on record.

4. This Court is not able to find any provision under Sections.5 and 10 of the Handlooms (Reservation of Articles for Production) Act, 1985 which provides a private complaint procedure. In the absence of the same, the respondent police can always investigate the case for an offence under the said Act. This Court does not want to go into the factual issues that were raised by the learned counsel for the petitioner at this stage and the same can be raised before the Court below in the course of proceedings and the same will be considered on its own merits and in accordance with law.

5. This Court is not inclined to interfere with the proceedings pending before the Court below at this stage.

6. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner.

7. Taking into consideration the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a Counsel. The Counsel representing the petitioner shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court at the time of questioning under Section 313 of Cr.PC and at the time of passing of final Judgment.

8. In the result, this Criminal Original Petition is dismissed and there shall be a direction to the Court below to complete the proceedings in STC No.228 of 2019 on the file of learned Judicial Magistrate, Sulur, within a period of four months from the date of receipt of copy of this order. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/rka

1.The Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.
(Crime No.196/2018)

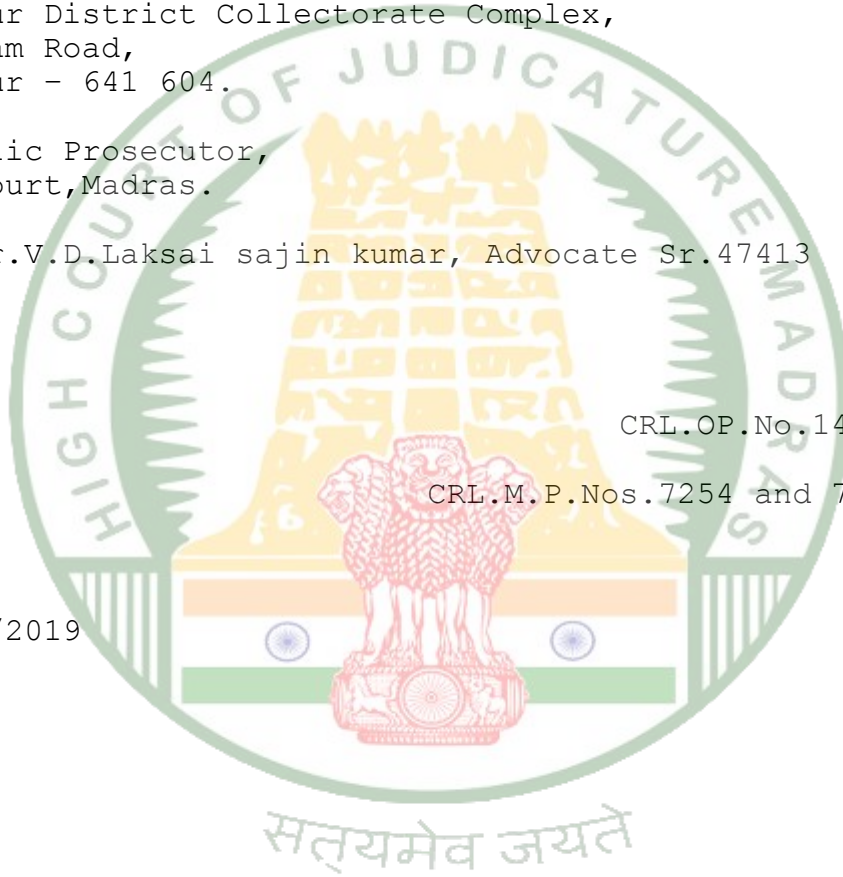
2.Asst.Director/Asst.Enforcement Officer,
The Handlooms (Reservation of Articles
for Production) Act, 1985,
Room.No.601 to 603, 6th Floor,
Tiruppur District Collectorate Complex,
Palladam Road,
Tiruppur - 641 604.

3.The Public Prosecutor,
High Court,Madras.

+lcc to Mr.V.D.Laksai sajin kumar, Advocate Sr.47413

CRL.OP.No.14825 of 2019
and
CRL.M.P.Nos.7254 and 7256 of 2019

vg II[co]
srg 18/07/2019



WEB COPY