

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.22128 of 2019 and
Crl.M.P.Nos.11471 and 11472 of 2019

- 1.M/s.Medplus Pharmacy
Unit of Optival Health Solutions Pvt ltd.,
Door No.22/1, Ground floor, T.P.Road,
Kadaiveethi, Annur, Avinashi TK,
Coimbatore-641 653.
Rep. by its Whole time Director
K.Satya Muralikrishna
- 2.K.Satya Murali Krishna
Whole time Director
Medplus pharmacy
Unit of Optival Health Solutions Pvt ltd.,
Door No.22/1, Ground floor, T.P.Road,
Kadaiveethi, Annur, Avinashi TK,
Coimbatore-641 653. ... Petitioners

vs.

The Tamil Nadu State represented by
Drugs Inspector, Mettupalayam Range,
O/o The Assistant Director of Drugs Control,
Coimbatore Zone,
No.219, Race Course Road,
Coimbatore-18. ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the Records in STC.No.6340 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Mettupalayam, and to quash the proceedings as far as these petitioners are concerned.

For Petitioners: Mr.M.Mohammed Rafi

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to call for the Records in STC.No.6340 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Mettupalayam, and to quash the proceedings as far as these petitioners are concerned.

2. The various grounds raised by the learned counsel for the petitioners are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioners to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

3. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by their counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning under Section 313 Cr.P.C. and at the time of passing of the final judgement.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C.No.6340 of 2017, on the file of the District Munsif cum Judicial Magistrate, Mettupalayam, within a period of three months from the date of receipt of copy of this order. The Court below is also directed to furnish a copy of all the documents filed along with the complaint to the learned counsel appearing for the petitioners. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vs

To

1.The District Munsif cum Judicial Magistrate,
Mettupalayam.

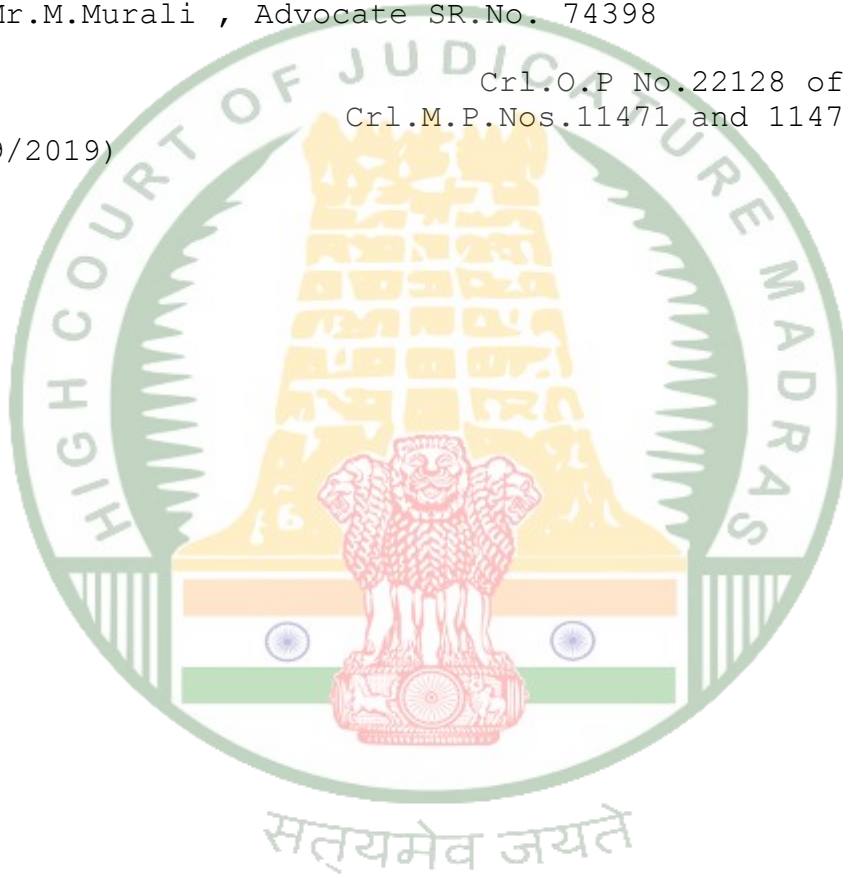
2.The Drugs Inspector Tamil Nadu ,
Mettupalayam Range,
O/o The Assistant Director of Drugs Control,
Coimbatore Zone,
No.219, Race Course Road,
Coimbatore-18.

3.The Public Prosecutor,
High Court of Madras,
Madras.

+2ccs to Mr.M.Murali , Advocate SR.No. 74398

CrI.O.P No.22128 of 2019 and
CrI.M.P.Nos.11471 and 11472 of 2019

A.SK(18/09/2019)



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