



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.23342 of 2014

and

MP(MD)No.1 of 2014

1.M/s.Macario Impex (P) Ltd.,
No.14, Ground Floor, Hill Crest
Apartment,
Venkatnarayana Road, T.Nagar,
Chennai - 600 017.
Rep.by its Director S.Vignesh

2.S.Vignesh
Director of M/s.Macario Impex (P) Ltd.,
No.14, Ground Floor,
Hill Crest Apartment,
Venkatnarayana Road, T.Nagar,
Chennai - 600 017.

3.M/s.Kalamani,
Director of M/s.Macario Impex (P) Ltd.,
No.14, Ground Floor,
Hill Crest Apartment,
Venkatnarayana Road, T.Nagar,
Chennai - 600 017. ... Petitioners / Accused Nos.1 to 3

Vs.

State, rep.by
The Drugs Inspector,
Srivilliputhur Range,
Virudhunagar Zone.

... Respondent /Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.410 of 2014 on the file of the Chief Judicial Magistrate Court, Srivilliputhur and quash the same as illegal as against the petitioners/accused No.1 to 3.

For Petitioners : Mr.G.Marimuthu

For Respondent : Mr.A.Robinson,
Government Advocate (crl.side)

**ORDER**

The petitioners are facing trial in C.C No.410 of 2014 on the file of the learned Chief Judicial Magistrate, Srivilliputhur for the offences under Sections 3(b) r/w. Section 7(a) of the of Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954. In Kumudham Reporter issue dated 06.09.2012, the offending publication appeared. That furnished the cause of action for filing the impugned private complaint by the respondent.

2.It is not in dispute that the offence is punishable with imprisonment which may extend to six months or with fine or with both. Therefore, as per Section 468 of Cr.PC, the complaint should have been filed and cognizance taken within a period of one year. In this case, the complaint was filed only on 27.09.2013. It is obvious that on the very face of it, the complaint was filed beyond the period of one year. Therefore, In view of the bar against taking cognizance set out in Section 468 of Cr.Pc, the impugned proceedings will have to be quashed. Accordingly, they are quashed. This criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

1.The Chief Judicial Magistrate Court, Srivilliputhur.

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

+1CC TO MR.M.JOTHI BASU, Advocate Sr. No.87601

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DKS(CO)

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