



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.3378 of 2018

and

Crl.M.P Nos.1460 and 1461 of 2018

1. P. Mahalingam
Proprietor,
Lings Chemicals
S/o K. Periasamy,
No.335, Anna Nagar,
Madurai - 625 020
2. A. Palanimalai
Proprietor
Palanimalai Agro Traders,
1-4-16-A, Sangagiri Road,
Konganapuram - 637 102.
Namakkal District.

...Petitioners

Vs.

State of Tamil Nadu,
Represented by its Agricultural Officer cum
Fertilizer Inspector,
Tmt. S. Sujatha,
On behalf of Agricultural Assistant Director,
Konganapuram Division,
Salem District,
Konganapuram - 637 102.
Salem District.

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to the proceedings in C.C.No.240 of 2016, on the file of the Judicial Magistrate No.2, Salem and to quash the same

For Petitioners : Mr. ElizabethRavi

For Respondent : Mr.A.Gopinath - For R1
Government Advocate (Crl. Side)



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ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections ***7(1)(1)(ii) of the Essential Commodities Act.**

2. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

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 a 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 for receiving copies under Section 207 of Cr.P.C, for framing of charges, questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in ***C.C. No.240 of 2016** as expeditiously as possible. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS VIII)
Dated 30/07/2021

***Corrected as per order dated 22.09.2021 made
in Crl.O.P.No.3378/2018**

Sd/-

Assistant Registrar(CS VIII)
Dated 29/10/2021

//True Copy//

Sub Assistant Registrar



To

**Order to be substituted for
for the order already despatched
on 25.08.2021.**

1. The Judicial Magistrate No.2,
Salem .
2. The Agricultural Officer
Konganapuram Division,
Konganapuram - 637 102.
Salem District.
3. The Public Prosecutor,
High Court, Madras

+1cc to M/s.Elizabeth, Advocate, S.R.No.31280

CRL.O.P No.3378 of 2018
and
Crl.M.P Nos.1460 and 1461 of 2018

SPD(CO)
RGA(06/08/2021)
GMY(29/10/2021)