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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.9938 OF 2018

AND

CRL.M.P.NO.5090 & 5091 OF 2018

1. P.Sugumar

2. M/s.Jaiswal Products,
Rep. by its Authorised Signatory,
Inbarasu,
S/o.Elayaperumal,
Manufacturer of Hans Chhap Tobacco,
G-82, Preet Vihar,
Delhi - 110 092.

... Petitioners

.Vs.

A.Ramesh
Food Safety Officer,
Municipality Office,
Kallakurichi Town,
Villupuram District.

... Respondent

Prayer:-

Petition filed under Section 482 of Cr.P.C., to call for the records of the STC.No.64 of 2018 in the Court Judicial Magistrate-I, Kallakurichi, Villupuram District and quash the same.

For Petitioners : Mr.M.Venugopal

For Respondent : Mr.C.E.Pratap
Public Prosecutor

O R D E R

The petitioners have filed this petition seeking to call for the entire records in STC. No.64 of 2017, on the file of the learned Judicial Magistrate-II, Kallakurichi and quash the same.



2. Though several grounds have been raised by the learned counsel for the petitioners, however, this Court is of the opinion the issue is a triable issue and 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 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. It is represented by the learned counsel appearing for the petitioners that this Court may issue a direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioners before the Trial Court may be dispensed with.

4. Accordingly, this petition is disposed of directing the trial court to dispose of STC. No.64 of 2017 as expeditiously as possible as per seniority of the case. The petitioners and respondent are directed to co-operate with the trial court for the early completion of trial. Further, taking into consideration the request as made by the learned counsel for the petitioner, their appearance before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate-I,
Kallakurichi,
Villupuram District.



2. The Food Safety Officer,
Municipality Office,
Kallakurichi Town,
Villupuram District.

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3. The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

+1cc to Mr.M.Venugopal, Advocate, S.R.No.55199

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BR(CO)
PBS/17/11/2021