

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.20497 of 2020

and

Crl.M.P Nos.8618 and 8619 of 2020

1. S.Moham, S/o.Subramani

2. M.Subramani, S/o.Kannappan

...Petitioners

Vs.

The Food Safety Officer,
Sriperumbudur Block,
Tamil Nadu Food Safety and Drug,
Administration Dept.,
No.42-A, Railway Road,
Kanchipuram District.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the charge sheet in C.C.No.28 of 2020 by the District Munsif cum Judicial Magistrate, Sriperumbudur, Kanchipuram District and quash the same.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 52(1), 58 and 59(1) of Food Safety and Standard Act, 2006

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 at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in CC No.28 of 2020 within a period of three months from the date of receipt of a copy of this order. 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 (Cr1) 288 SC]. If the petitioners 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(CO)

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Sub Assistant Registrar

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To

1. The District Munsif cum Judicial Magistrate,
Sriperumbudur,
Kanchipuram District.

2. The Public Prosecutor,
High Court, Madras.

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PL(CO)
CB(09/04/2021)