

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.8141 of 2017
and Crl.M.P Nos.5869 &5870 of 2017

1.M.Sudalaimuthu
2.S.K.Imam Basha

...Petitioners

vs.

The State Tamil Nadu rep. by
The Food Safety Officer,
Code-545,
Tamil Nadu Food Safety and
Medical Administration Department,
Chennai District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in C.C.No.6106 of 2016 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai, and quash the same.

For Petitioners : Mr.A.Ilayaperumal

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

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.6106 of 2016, pending on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai.

2. The petitioners before this Court has been arrayed as A1 and A2 in the final report.

3. The learned Government Advocate (Criminal Side) submitted that there are prima facie materials against the petitioners.

4. This Court has carefully considered the submissions made on either side and also perused the materials placed on record.

5. The grounds that have been raised by the learned counsel for the petitioners is purely factual in nature and this Court cannot go into the same in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioners to raise these grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

6. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners considering their age. 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 judgement.

7. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings, 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 (Crl) 288 SC]. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

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To

- 1.The XVII Metropolitan Magistrate, Saidapet, Chennai.
 - 2.The Chief Metropolitan Magistrate, Egmore, Chennai-8.
 - 3.The Public Prosecutor, High Court of Madras, Madras.
- +1cc to Mr.A.Ilaya Perumal, Advocate, SR.No.10919

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KK(CO)
KKV/16/03/2021