



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.602 of 2021

and

Crl.M.P. (MD)Nos.6651 and 6652 of 2021

WEB COPY

N.Jegatheesan

... Petitioner/2nd Accused

Vs.

State rep. by

The Assistant Inspector of Labour,

5th Circle, Inspector of Legal Metrology,

Madurai.

... Respondents/Complainant

Prayer : This Revision Case is filed under Sections 397 and 401 of Cr.P.C., against the order, dated 25.08.2021, passed by the Additional Chief Judicial Magistrate, Madurai, in Cr.M.P.No.524 of 2021, in S.T.C. No.16 of 2017.

For Petitioner

: Mr.Babu Rajendran

For Respondent

: Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This Criminal Revision has been filed against the order, dated 25.08.2021, passed by the Additional Chief Judicial Magistrate, Madurai, in Cr.M.P.No.524 of 2021, in S.T.C. No.16 of 2017.

2. The case against one Karthikeyan was registered by the respondent, for not mentioning the name of the product (Jasmine) and package particulars etc., under Section 18(1) r/w. Section 6(1)(a) (c)(d) & (e) of Standards of Weights and Measures Act, and the case was taken on file in S.T.C.No.16 of 2017. After the examination of four witnesses, a petition was filed by the respondent in Cr.M.P.No.524 of 2021, to implead the petitioner herein/Jegatheesan as one of the accused in the case. That petition was allowed by the Additional Chief Judicial Magistrate, Madurai. Against that order, the petitioner has preferred this Revision.

3. On the side of the petitioner, it is stated that there is no whisper in the deposition of P.W.1 to P.W.4, regarding the involvement of the petitioner in the offence. P.W.1 to P.W.4 were aware that the petitioner is the Proprietor of the Shop in question, but, failed to give sufficient reason as to why the prosecution case was not lodged against the petitioner at the time of filing the petition. The respondent has failed to take any steps to ascertain who is the person involved in the affairs of the Shop in question. The Court below has failed to note that under Section 319 Cr.P.C, the petitioner cannot be implicated in the case, after the expiry of



the period of limitation and passed the order in a mechanical manner. P.W.1 has deposed that one Karthikeyan is an employer of the Firm and that the accused is the Proprietor of the Firm. Without verifying the ownership, the respondent herein has lodged a complaint. P.W.2 has deposed that P.W.1 verified the Airport Authorities regarding the ownership of the Firm and the case against the revision petitioner is barred under Section 468 Cr.P.C. and prayed the impugned order to be set aside.

4. On the side of the prosecution, it is further stated that inspection was conducted on 15.11.2016 and charge sheet was filed on 23.02.2017 and was taken on file on 21.04.2017 and the case was registered within the time limit and the case is not barred under Section 468 Cr.P.C. and that the Magistrate is having power to implead additional accused under Section 319 of Cr.P.C. and prayed the Revision to be dismissed.

5. A perusal of the records reveals that the inspection was conducted in the year 15.11.2016 and the case was taken on file as S.T.C.No.16 of 2017. It is the responsibility of the respondent to verify the ownership of the Stall before filing the charge sheet. The respondent has lodged a complaint only against one Karthikeyan, only after filing of documents Ex.D1 to Ex.D5, the respondent has filed the petition in Cr.M.P.No.524 of 2021, to implead the petitioner as an accused. P.W.2 has deposed that P.W.1 verified with the Airport Authority, regarding the ownership of the Stall.

6. In the above circumstances, the reason for the delay in filing the petition under Section 319 of Cr.P.C. is not properly explained by the respondent. The case against the petitioner is barred by limitation and hence, the order, dated 25.08.2021, passed by the Additional Chief Judicial Magistrate, Madurai, in Cr.M.P.No.524 of 2021, in S.T.C. No.16 of 2017, is hereby set aside.

7. This Criminal Revision Case is allowed, accordingly. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Additional Chief Judicial Magistrate,
Madurai.

2.The Assistant Inspector of Labour,
5th Circle, Inspector of Legal Metrology,
Madurai.

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

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-34419[F] dated 15/11/2021)
Crl. R.C.(MD)No.602 of 2021
12.11.2021

TSK(CO)

GC(30.11.2021) 3P 5C