



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2021

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

Crl.O.P.(MD)Nos.18702 & 18706 of 2021 and

CRL.M.P.(MD)Nos.10353 to 10355 & 10357 of 2021

WEB COPY

1. Bhusan Garg,  
Director,  
M/s.Shambu Kaini Pvt. Ltd.,  
K.H.No.1110/132, Village Rithiala,  
Delhi - 110 085.

2. Vishal Garg,  
Director,  
M/s.Shambu Kaini Pvt. Ltd.,  
K.H.No.1110/132, Village Rithiala,  
Delhi - 110 085.

... Petitioners / Accused 5 & 6  
in both petitions

Vs.

The State rep. By,  
The Food Safety Officer,  
Madurai Corporation - Code No.572,  
O/o.Designated Officer,  
The Food Safety and Drug Administration Department,  
Viswanathapuram,  
Madurai - 625 014.

... Respondent / Complainant  
in both petitions

**Common Prayer:** Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the private complaint in S.T.C.Nos.3058 & 3059 of 2021 pending before the learned Judicial Magistrate No.II, Madurai under Sections 58, 59 (i) and 63 of the Food Safety and Standards Act, 2006 and quash the same as illegal as against the petitioners.

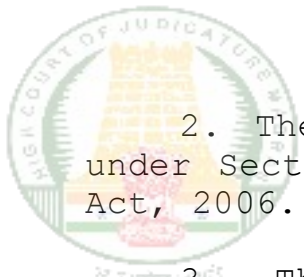
(in both Crl.O.Ps.)

For Petitioners : Mr.S.I.Muthiah

For Respondent : Mr.T.Senthil Kumar,  
Additional Public Prosecutor.

### C O M M O N O R D E R

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.



2. The petitioners are facing prosecution for the offences under Sections 58, 59(i) and 63 of the Food Safety and Standards Act, 2006.

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds.

4. In view of the decision of this Court reported in MANU/TN/2513/2019 (Jeetmal Ramesh Kumar Vs. The Commissioner, Food Safety and Drug Administration Department and Ors.), I am not in a position to grant relief under Section 482 of Cr.P.C.

5. Leaving open all the contentions and the defences of the petitioners, this criminal original petitions are dismissed. Taking note of the facts and circumstances of this case, the personal appearance of the petitioners before the Court below is dispensed with. However, the petitioners have to appear before the Court below on the following three occasions:-

i) To answer the charges,

ii) at the time of examination under Section 313 of Cr.P.C. and

iii) at the time of pronouncement of Judgment.

The petitioners also will have to appear when their presence is insisted upon by the trial Court and on all other occasions, the petitioners can be represented by their counsel. If the petitioners' counsel also fails to appear, the benefit of this order will stand vacated automatically. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

**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 Judicial Magistrate No.II,  
Madurai.
2. The Food Safety Officer,  
Madurai Corporation - Code No.572,  
O/o.Designated Officer,  
The Food Safety and Drug Administration Department,  
Viswanathapuram, Madurai - 625 014.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)Nos.18702 & 18706 of 2021  
29.11.2021

RK(10/12/2021) 3P 4C