



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.819 of 2021

and

Crl.M.P. (MD)No.367 of 2021

1.N.Anandavel

2.P.Poorani

3.M/s.Vel Mart,

Production/Packing and Wholesale Company,

8/1, Koontha Pannai Street,

Virudhunagar - 626 001,

Represented by the petitioners 1 and 2.

... Petitioners/ Accused No.2 to 4

Vs.

1.The State Rep by

The Food Safety Officer,

Code No.323, Kayathar Block,

Block Development Office Complex,

Kayathar - 628 952,

Thoothukudi District.

... 1st Respondent/Complainant

2.S.Kompaiah Pandian

... 2nd Respondent/ Accused No.1

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in S.T.C.No.2285 of 2019 on the file of the Judicial Magistrate No.I, Kovilpatti, Thoothukudi District and quash the proceedings as against the petitioners.

For Petitioners : Mr.L.Prabhu

For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

Mr.S.Saravanan for R2.

O R D E R

Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor for the first respondent and the learned counsel for the second respondent.



2.The petitioners are facing trial in S.T.C.No.2285 of 2019 on the file of the Judicial Magistrate No.I, Kovilpatti, for the offences under Sections 51, 52(1), 59(i) and 63 of Food Safety and Standards Act, 2006.

3.The learned counsel for the petitioners reiterated all the contentions set out in the memorandum of grounds. Since contentious facts are involved, I am not in a position to go into the same in exercise of jurisdiction under Section 482 of CrPC. All the defences of the respective parties are left open. This criminal original petition is dismissed. However taking into account the overall circumstances, the personal appearance of the petitioners before the Court below is dispensed with. However, the Court below will insist on the personal appearance of the petitioners only on three occasions namely, to answer the charge, for examination under Section 313 of CrPC and at the time of pronouncing Judgment. On all other occasions, the petitioners need not appear before the Court below. However, on those occasions, the petitioners will have to be represented by their counsel. If the petitioners' counsel is also absent, the benefit of dispensing with the personal appearance of the petitioners will stand automatically vacated. The learned trial Magistrate is directed to dispose of the case on merits and in accordance with law within a period of four months from the date of next hearing date. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

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.I,
Kovilpatti,
Thoothukudi District.

2.The Food Safety Officer,
Code No.323, Kayathar Block,
Block Development Office Complex,
Kayathar - 628 952,
Thoothukudi District.

<https://hcservices.hcj.gov.in/hcservices/>



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

COPY TO:

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.L.Prabhu, Advocate (SR-3438[F] dated 01/02/2022)

Crl.O.P(MD)No.819 of 2021
31.01.2022

RD(23.02.2022) 3P 6C