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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.01.2022
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
Crl.O.P.(MD)No.5695 of 2021 and
CRL.M.P.(MD)No.11878 of 2021

1. P.Dharmaraj,
S/o.Paulraj,
Manager,
PTR Tiffin Sweets @ Coffee,
Singaram Complex,
Opp. Of Mattuthavani Bus Stand,
Madurai – 625 007.

2. P.Daniel Thangaraj,
S/o.Paulraj,
Owner,
PTR Tiffin Sweets @ Coffee,
Singaram Complex,
Opp. Of Mattuthavani Bus Stand,
Madurai – 625 007.

... Petitioners/ Accused Nos.1 & 2

Vs.

The Food Safety Officer,
Madurai Corporation (Code No.573),
O/o.The Designated Officer,
Food Safety and Drug
Administration Department (Food Wing),
Viswanathapuram,
Madurai – 625 014.

... Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings in S.T.C.No.1368 of 2021 on the file of the Judicial Magistrate No.VI, Madurai.

For Petitioners : Mr.M.Rajaraman
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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 core argument of the petitioners' counsel appears to be that it is open to them to add Tartrazine in the food products in question. However, the learned Additional Public Prosecutor has been able to produce a copy of the amendment notification indicating that

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adding Tartrazine was not permitted with effect from 01.07.2017.

3. In this case, the inspection had taken place on 06.08.2019. Therefore, the petitioners will be covered by the aforesaid amendment notification.

4. Therefore, leaving open all the contentions and the defences of the petitioners, this criminal original petition is dismissed.

5. 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 petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

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.VI, Madurai.

2. The Food Safety Officer,
Madurai Corporation (Code No.573),
O/o.The Designated Officer,
Food Safety and Drug
Administration Department (Food Wing),
Viswanathapuram,
Madurai – 625 014.

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

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MGJ(02.02.2022) 2P 4C

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