



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twentieth day of December Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.14861 of 2022
IN
CRL OP(MD) No.21209 of 2022

1 ANTHONY RAJ

2 SUMITHRA

3 M/S.LOKU AQUA INDUSTRIES
S.NO. 222/9D2, SANGUPATTY VILLAGE,
CHINNA KALAMPATTI VILAKKU, KALUGUMALAI ROAD,
THIRUVENGADAM POST, TENKASI DISTRICT.
REPRESENTED BY ITS PROPRIETOR,
GOPALA KRISHNAN ... PETITIONERS/PETITIONERS

Vs

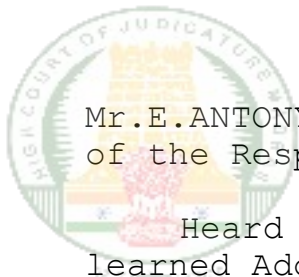
THE STATE REP.BY
THE FOOD SAFETY OFFICER
CODE NO.283, KURUVIKULAM BLOCK, (INCHARGE)
FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT,
TENKASI DISTRICT. ... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order of dispense with, to dispense with the personal appearance of the Petitioner in the impugned Criminal Proceedings in STC.No.610/2022 on the file of the Learned Judicial Magistrate Court, Sankarankovil.

Prayer in CRL OP(MD) . 21209/ 2022 :

Pleased to pass an Order to Quash, to call for the entire records in relating to the impugned charge sheet in STC.No.610/2022 on the file of the Learned Judicial Magistrate Court, Sankarankovil and to quash the same in toto.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JEYAKARTHIK M S, Advocate for the petitioner and of



Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor (of the Respondent, the court made the following order:-

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

WEB COPY

2.Considering the facts and circumstances, the personal appearance of the petitioners before the trial Court is ordered to be dispensed with, on conditions that they shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on all the hearings, specifically directed by the trial court. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, **in State of Uttar Pradesh Vs. Shambunath Singh**, reported in **2001 (4) SCC 667**.

sd/-
202022

/ TRUE COPY /

/12/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE FOOD SAFETY OFFICER
CODE NO.283, KURUVIKULAM BLOCK, (INCHARGE)
FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT,
TENKASI DISTRICT.

ORDER IN

CRL MP(MD) No.14861 of 2022
IN

CRL OP(MD) No.21209 of 2022

Date :20/12/2022

SA/MMS/SAR.1/27.12.2022/2P/4C

<https://www.mhc.tn.gov.in/judis>