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Crl.O.P.No.16738 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.16738 of 2023
and Crl.M.P.No.10743 of 2023**

1. A.Ansari
2. A.Kaja

.. Petitioners

Versus

State rep. by
Food Safety Officer (In-charge),
Sl.No.069, Chithamur-Lathur Block,
Chengalpet District.

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to S.T.C.No.131 of 2023 on the file of the District Munsiff-cum-Judicial Magistrate Court, Cheyyur, quash the same.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.A.Gopinath,
Additional Public Prosecutor

ORDER



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This petition has been filed seeking to quash the proceedings in S.T.C.No.131 of 2023 on the file of the District Munsiff-cum-Judicial Magistrate Court, Cheyyur.

2. The grounds raised by the learned Counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. Accordingly, this Criminal Original Petition is disposed off with a direction to the Court below to complete the proceedings in S.T.C.No.131 of 2023 on the file of the District Munisif-cum-Judicial Magistrate Court, within a period of six months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioner adopts



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any dilatory tactics, it is open to the Trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in *State of Uttar Pradesh Vs. Shambhu Nath Singh (JT 2001 (4) SC 3191)*. Consequently, connected miscellaneous petition is closed.

28.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The District Munsiff-cum-Judicial Magistrate Court,
Cheyyur.
2. The Food Safety Officer (In-charge),
Sl.No.069, Chithamur-Lathur Block,
Chengalpet District.
3. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.
grs

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