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Crl.OP.No.15786 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15786 of 2023

and

Crl.M.P.Nos.9850 & 9853 of 2023

1. Ram @ Rama Moorthy
S/o.Shanmugam

2. Suresh,
S/o.Ramamoorthy

... Petitioners

Vs.

State Inspector of Police,
CS CID, Erode.
Cr.No.401 of 2013

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for records in C.C.No.725 of 2019 on the file of the learned Judicial Magistrate III, Erode and quash the same.

For Petitioners : Mr.S.Senthil Vel

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the proceedings initiated against the petitioners under Sections 3(1) of Solvent Refined Slop (Acquisition) Sale Storage and Prevention of Use in Automobiles Order 2005 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955.

2. The grounds raised by learned counsel for petitioners 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 petitioners 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 of with a direction to the Court below to complete the proceedings in C.C.No.725 of 2019 on the file of the learned Judicial Magistrate III, Erode, within a period of six (6) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also closed.



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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 petitioners adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them to custody as per the judgment of the Hon'ble Supreme Court in ***State of Uttar Pradesh v. Shambhu Nath Singh (JT 2001 (4) SC 3191)***.

20.07.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police,
CS CID, Erode.
2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

gm

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