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Crl.O.P.No.16079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.16079 of 2023
and Crl.M.P.No.10109 of 2023**

Syed Hussain

.. Petitioner

Versus

**State rep by Inspector of Police,
Food Safety Officer,
Code No.528, Tondiarpet Zone,
Tamil Nadu Food Safety Wing,
Tamil Nadu Designated officer office,
No.33, West jones Road, Saidapet,
Chennai - 15.**

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in C.C.No.466 of 2023 on the file of learned XV Metropolitan Magistrate, George Town, Chennai, to quash the same.

For Petitioner : Mr.S.Suresh

**For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor**



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ORDER

This petition has been filed seeking to quash the C.C.No.466 of 2023 on the file of learned XV Metropolitan Magistrate, George Town, Chennai.

2. The grounds raised by the 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. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning



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under Section 251 of Cr.P.C., at the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the final judgment.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.466 of 2023 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 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.

14.08.2023
(2/4)

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
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N.ANAND VENKATESH, J.

grs

To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
Food Safety Officer,
Code No.528, Tondiarpet Zone,
Tamil Nadu Food Safety Wing,
Tamil Nadu Designated officer office,
No.33, West jones Road, Saidapet,
Chennai - 15.
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.16079 of 2023
and Crl.M.P.No.10109 of 2023

14.08.2023
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