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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17916 of 2023
and Crl.MP.11814 & 11820 of 2023

Mr.R.Thivakar,M/46 Y
S/o.Rangareddy
Manager
Wino mechanic Private Limited
Door No.D-17, SIPCOT Industrial Complex
Gummidipoondi
Tiruvallur District-601 201.

.. Petitioner /Accused

.Vs.

State of Tamil Nadu
Rep.by
Deputy Director of Industrial Safety
and Health-II (Inspector of Factories)
SF No.47/1, Block 6
Thiru.Vi.Ka.Industrial Estate
(Near Metrowater Roundtana)
Guindy, Chennai-600 032.

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in respect of C.C.No.351 of 2023, on the file of the learned Chief Judicial Magistrate, Tiruvallur and quash the same.

For Petitioner : Mr.G.Kalyan Jhabakh

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

WEB COPY This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 105(1) of Factories Act, 1948.

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 under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C No.351 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 SCJ. 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 petitions are also closed.

14.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP

To

1. Deputy Director of Industrial Safety
and Health-II (Inspector of Factories)
SF No.47/1, Block 6
Thiru.Vi.Ka.Industrial Estate
(Near Metrowater Roundtana)
Guindy, Chennai-600 032.

2. Chief Judicial Magistrate, Tiruvallur.

3. Public Prosecutor
High Court of Madras.

N. ANAND VENKATESH,. J.



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