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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.17901 of 2023**  
**and Crl.MP.11797 & 11800 of 2023**

Mr.D.Hariprasad, M-46 Y  
S/o.Dharmasivam  
Occupier  
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.348 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.348 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 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.



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**N. ANAND VENKATESH,, J.**  
KP

**Crl.O.P No.17901 of 2023**

**14.08.2023**