



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Ninth day of February Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.2176 of 2023
in
Crl.O.P.(MD)No.2417 of 2023

1 SHATHISHKUMAR DAHYAL PATEL(DIRECTOR),
M/S.SHIV SHANKAR TOBACCO PVT LTE.,
BLOCK NO.2160, AT AND POST,
SANTEJ-382721(N G) .

2 ASHISH SATHISHBHAI PATEL (DIRECTOR),
M/S.SHIV SHANKAR TOBACCO PVT LTE.,
BLOCK NO.2160, AT AND POST,
SANTEJ-382721(N G) .

3 MAYRIBEN SATISHKUMAR PATEL (DIRECTOR),
M/S.SHIV SHANKAR TOBACCO PVT LTE.,
BLOCK NO.2160, AT AND POST,
SANTEJ-382721(N G) .

... PETITIONERS/ACCUSED NO.1 TO 2

Vs

FOOD SAFETY OFFICER
MADURAI CORPORATION NO.572,
O/O. DESIGNATED OFFICER,
FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT,
VISWANATHAPURAM, MADURAI-625014. ... RESPONDENT/

DEFACTO COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the Petitioners herein in CC.No.776 of 2019 on the file of the Judicial Magistrate No.I,Madurai till the disposal of the above Criminal Original Petition.

Prayer in CRL OP(MD). 2417/ 2023 :

To call for the records relating to Charge Sheet in CC.No.776 of 2019 filed by the Respondent herein on the file of the Judicial Magistrate No.I,Madurai and quash the same.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.MEENAKSHI RAMA PRABU.C, Advocate for the petitioner and of M/S.R.SIVAKUMAR, Government Advocate for the Respondent, the court made the following order:-



Heard the learned counsel appearing for the petitioners:
learned Government Advocate (Criminal Side) appearing for the
respondent.

2. Considering the facts and circumstances, the personal appearance of the petitioners before the trial Court is ordered to be dispensed with, on conditions that they shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on all the hearings, specifically directed by the trial court. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, **in State of Uttar Pradesh Vs. Shambunath Singh**, reported in **2001 (4) SCC 667**.

sd/-

09/02/2023

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/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

1.THE JUDICIAL MAGISTRATE NO-I,MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.FOOD SAFETY OFFICER
MADURAI CORPORATION NO.572,
O/O. DESIGNATED OFFICER,
FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT,
VISWANATHAPURAM, MADURAI-625014.

ORDER

IN

Crl.M.P. (MD) No.2176 of 2023
in

Crl.O.P. (MD) No.2417 of 2023

Date :09/02/2023

RK/SBN/SAR-2 (16/02/2023) 2P/4C

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