



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

Monday, the Thirtieth day of January Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.1164 of 2023

IN

CRL OP(MD) No.1299 of 2023

1 G.KANNAN
S/O N.GOPAL
NOMINEE INSTEAD OF P.KARTHIK,
S/O M.PANDI

2 A.R DAIRY PRIVATE LIMITED
NO. 10/5-C MADURAI ROAD,
BEGAMPUR POST, DINDIGUL 624 002 ... PETITIONERS/PETITIONERS

Vs

THE STATE REP.BY
THE FOOD SAFETY OFFICER
FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT,
CODE NO. 415 PALANI TOWN,
ANDAVAN PARK ROAD, PALANI,
DINDIGUL DISTRICT.624 001 ... RESPONDENT/RESPONDENT

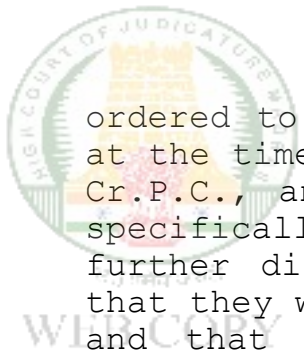
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the petitioner before the Judicial Magistrate court, Palani in S.T.C No. 291 of 2021 dated 29.03.2021 pending disposal of the above criminal Original petition

Prayer in CRL OP(MD) . 1299/ 2023 :

To call for the records relating to the S.T.C No. 291 of 2021 on the file of Judicial Magistrate Court, Palani dated 29.03.2021 and quash the same as illegal in so far as the petitioners are concerned.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.KRISHNA.K, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate(crl.side) on behalf of the Respondent, the court made the following order:-

Considering the facts and circumstances of the case, 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 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 adopt 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/-
30/01/2023

/ TRUE COPY /

/02/2023

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

DAS

TO

- 1 THE JUDICIAL MAGISTRATE,
PALANI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE FOOD SAFETY OFFICER
FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT,
CODE NO. 415 PALANI TOWN,
ANDAVAN PARK ROAD, PALANI,
DINDIGUL DISTRICT.624 001

ORDER IN

CRL MP(MD) No.1164 of 2023
IN
CRL OP(MD) No.1299 of 2023
Date :30/01/2023

SA/SAR.3/08.02.2023/2P/4C