



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

Wednesday, the Fourth day of January Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.64 of 2023
IN
CRL OP(MD) No.61 of 2023

K.SOMASUNDARAM

... PETITIONER/ACCUSED 1

Vs

THE FOOD SAFETY OFFICER
CODE 571,
OFFICE OF THE DESIGNATED OFFICER,
TAMIL NADU FOOD SAFETY ADMINISTRATION WING,
1ST FLOOR, OFFICE OF THE DEPUTY DIRECTOR OF HEALTH SERVICES
MULTIPURPOSE HEALTH SUPERVISORS
TRAINING SCHOOL,
VISWANATHAPURAM,
MADURAI-14.

... RESPONDENT/COMPLAINANT

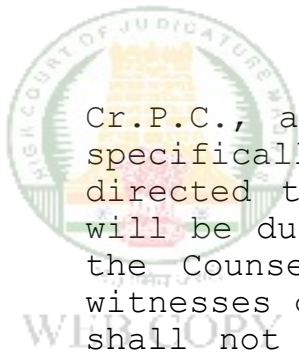
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order of Dispense with for dispensing with the personal appearance of the Petitioners/Accused 1 in STC No.7625/2021 on the file of the Judicial Magistrate No.VI, Madurai pending disposal of the above said Criminal Original Petition.

PRAYER IN CRL.OP(MD) 61/2023:

Pleased to call for records of the STC No.7625/2021 on the file of the Judicial Magistrate No.VI, Madurai and to quash the same against the petitioner/accused 1 concerned.

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 Mr.S.PANDIYARAJ, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate(crl.side) on behalf of the Respondents the court made the following order:-

Considering the facts and circumstances of the case, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that he 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 : , specifically directed by the trial court. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing his will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner 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/-

04/01/2023

/ TRUE COPY /

/01/2023

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

DAS

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE FOOD SAFETY OFFICER
CODE 571,
OFFICE OF THE DESIGNATED OFFICER,
TAMIL NADU FOOD SAFETY ADMINISTRATION WING,
1ST FLOOR, OFFICE OF THE DEPUTY DIRECTOR OF HEALTH SERVICES
MULTIPURPOSE HEALTH SUPERVISORS
TRAINING SCHOOL,
VISWANATHAPURAM, MADURAI-14.

ORDER IN

CRL MP(MD) No.64 of 2023

IN

CRL OP(MD) No.61 of 2023

Date :04/01/2023

SA/SSS/SAR.3/10.01.2023/2P/4C