IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 25TH DAY OF JULY 2024 / 3RD SRAVANA, 1946

CRL.MC NO. 6369 OF 2014

CC NO.425/2014 OF JUDICIAL MAGISTRATE OF FIRST CLASS-I, PONNANI

PETITIONERS/ACCUSED 2 & 3:

1 C.A.LONAPPAN
MANAGING PARTNER, S/O. C.K.ANTONY,
M/S. HOTEL SAAYOOJ BAR AND RESTAURANT,
EDAPPAL RESIDING AT CHEERAMBAN HOUSE,
ERAVIMANGALAM P.O., THRISSUR DISTRICT.

2 K.O.JOY MANAGER
S/O. OUSEPH, M/S. HOTEL SAAYOOJ BAR AND RESTAURANT, EDAPPAL RESIDING AT KODAVARAKKARAN HOUSE, KALLOOR P.O., THRISSUR DISTRICT.

BY ADVS.
SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA

RESPONDENTS/STATE & COMPLAINANT:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2 ASSISTANT CONROLLER
LEGAL METROLOGY, FLYING SQUAD,
MANJERI, MALAPPURAM - 676 123.

SMT.NIMA JACOB, PP

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 25.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

Crl.M.C. No.6369 of 2014

Dated this the 25th day of July, 2024

ORDER

This criminal miscellaneous case is filed to quash the proceedings in C.C.No.425/2014 on the file of the Judicial First Class Magistrate Court, Ponnani. The above case is filed against the petitioners based on Annexure-VII complaint filed by the Assistant Controller, Legal Metrology Department. The offences alleged are under Sections 11, 12, 15(2), 18 and 24 of the Legal Metrology Act, 2009.

2. After hearing the counsel for the petitioners in length, I am of the considered opinion that the contentions raised by the petitioners are to be raised before the trial court at the appropriate stage. This Court cannot invoke Section 482 Cr.P.C. to quash the proceedings in the facts and circumstances of the case. But, if any application is filed by the petitioners for exemption for personal appearance, there can be a direction to the learned Magistrate not to insist

the presence of the petitioners unless their presence is inevitable.

Therefore, this Criminal Miscellaneous Case is disposed of in the following manner:

1. The petitioners can raise all the contentions raised in this criminal miscellaneous case before the trial court at the appropriate stage.
2. If any application is filed by the petitioners for exemption from personal appearance, the learned Magistrate will allow the same on condition that they will appear when their presence is inevitable.

sd/-
P.V.KUNHIKRISHNAN
JUDGE

JV

APPENDIX OF CRL.MC 6369/2014

PETITIONER EXHIBITS

AI - TRUE COPY OF THE JUDGMENT IN OP NO. 5503/1999 DT. 03.6.13.

AII - TRUE COPY OF RECEIPT NO. 12 DT. 27.1.14 OF HOTEL SAYOOJ.

AII(A) - TRUE COPY OF RECEIPT NO. 11 DT. 27.01.14 OF HOTEL SAYOOJ.

AII(B)- TRUE COPY OF THE MAHZAR DT. 27.1.14.

AII(C) - TRUE COPY OF MAHZAR DT. 27.1.14.

AIII - TRUE COPY OF THE REPORT OF SEIZURE MADE DT. 27.01.14.

AIV - TRUE COPY OF THE LIST OF SEIZED ARTICLES SUBMITTED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT PONNANI.

AV - TRUE COPY OF CIRCULAR DT. 26.12.1979 OF THE GOVERNMENT.

A VI - TRUE COPY OF THE GOVERNMENT CIRCULAR DT. 14.3.08.

A VII - TRUE COPY OFTHE FINAL REPORT DT. 24.7.14 SUBMITTED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PONNANI.

A VIII - TRUE COPY OF THE BAR ORDER TICKET (BOT) DT. 27.1.14.

AVIII(A) – TRUE COPY OF THE INVOICE SALES BILL DT. 27.1.14.

IX – COPY OF THE DECISION REPORTED IN 2016 (2) KHC 377