



WEB COPY



CrI.O.P.No.21994 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.21994 of 2024

1.M/s.Bharat Parenterals Limited
Vill.Haripuram Ta Savli
Dist.Vadodara-391 520, Gujarat.

2.Mr.M.Bharat R.Desai,
Managing & Technical Director (Whole Time),
M/s.Bharat Parenterals Limited
Vill.Haripuram Ta Savli
Dist.Vadodara-391 520, Gujarat.

3.Ms.Hima B.Desai,
Director,
M/s.Bharat Parenterals Limited
Vill.Haripuram Ta Savli
Dist.Vadodara-391 520, Gujarat.

4.Mr.Pankaj S.Shah,
Director,
M/s.Bharat Parenterals Limited
Vill.Haripuram Ta Savli
Dist.Vadodara-391 520, Gujarat.

5.Hemang J.Shah,
Director,
M/s.Bharat Parenterals Limited
Vill.Haripuram Ta Savli
Dist.Vadodara-391 520, Gujarat.
Petitioners

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Crl.O.P.No.21994 of 2024

Vs.

WEB COPY

Union of India
Rep.by Drug Inspector,
O/o.Deputy Drugs Controller (India),
Central Drugs Standard Control Organization,
South Zone, 2nd Floor, Shastri Bhawan Annexe,
Chennai-600 006.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, pleaded to direct the first appellate Court viz., learned III Additional District Sessions Judge, Chennai to accept the appearance / attendance of the petitioners/ appellants 1 to 5 in the subject case Crl.A.No.106 of 2022 through video electronic means, as provided in terms of Section 355 of BNSS.

For Petitioners : Mr.S.Baskaran

ORDER

The petitioners herein are appellants in Crl.A.No.106 of 2022 on the file of the III Additional District Sessions Judge, Chennai. The case has been repeatedly adjourned under the caption for arguments. The petitioners who are hailing from Gujarat, had sought excuse of their personal appearance on the date of hearing by filing application under Section 355 of BNSS.



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2. The learned counsel appearing for the petitioners submits that while Section 355 of BNSS contemplates appearance of the appellants in person or through counsel, the appellate Court need not insist upon the presence of the appellants on the hearing dates.

3. This Court, on perusing the case status and the adjudication of the appellate Court as well as Section 355 of BNSS, is of the view that it is always open to the appellate Court to insist upon the appearance of the appellants, if it is necessary and at the same time, the appellate Court also have the power to dispense with the appearance of the appellants, if their physical appearance is not required.

4. As far as the case in hand, the appellate Court has allowed the application under Section 355 of BNSS, enabling the petitioners to appear through their counsel. Therefore, interference of the order of the appellate Court does not warrant in this case, since the matter is listed for arguments.

Dr.G.JAYACHANDRAN,J.

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5. The learned counsel appearing for the appellants /petitioners states that the arguments is over and the matter is now adjourned to hear the arguments of the respondent/complainant.

6. The lower appellate Court is hereby directed to complete the hearing of the respondent side arguments and dispose of the appeal as expeditiously as possible, since the matter is pending for more than two years. With this observations, this Criminal Original Petition is disposed of.

09.09.2024

Index : Yes/No
Neutral Citation : Yes/No
rpl

To

The Drug Inspector,
Union of India
O/o.Deputy Drugs Controller (India),
Central Drugs Standard Control Organization,
South Zone, 2nd Floor, Shastri Bhawan Annexe,
Chennai-600 006.

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