



WEB COPY

W.A.(MD)No.530



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.A.(MD)No.530 of 2019
and
C.M.P(MD)No.4477 of 2019

Jeetmal Ramesh Kumar

... Appellant/Writ Petitioner

Vs

1.The Commissioner,
Food Safety and Drug Administration Department,
Chennai-6.

2.The Food Analyst,
Food Analyst Laboratory,
Thanjavur.

3.The Designated Officer,
Food Safety and Drug Administration Department,
(Food Wing)
No.820/B, N.G.O. 'A' Colony,
Tractors Road, Perumalpuram,
Tirunelveli-7.

4.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.
Crime No.324 of 2018

...Respondents/Respondents

Prayer:

This Writ Appeal is filed under Clause 15 of Letters Patent Appeal, to set aside the order dated 14.02.2019 passed by this Court in W.P(MD)No.778 of 2019.



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For Appellant : Mr.K.R.Laxman

For Respondents : Mr.Veerakathiravan

Additional Advocate General
assisted by Mr.S.S.Madhavan
Government Advocate

JUDGMENT

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

This Writ Appeal is filed against the order passed by this Court in W.P(MD)No.778 of 2019, dated 14.02.2019.

2.The learned Additional Advocate General appearing for the respondents would contend that the appellant was found to have in possession of tobacco, which is a banned substance and based on the complaint given by the Food Safety and Drug Administration Department, a case in Crime No.324 of 2018 came to be filed on the file of the fourth respondent – Police. Pending trial before the jurisdictional Magistrate Court, the appellant filed the writ petition in W.P.(MD) No.778 of 2019 challenging the report of the food analyst and this Court, by order dated 14.02.2019, dismissed the said writ petition. Thereafter, the appellant was prosecuted and the case was split up in respect of the appellant and after completion of trial, he was found guilty of the offence and he was sentenced to undergo imprisonment till the rising of the court and to pay a fine of Rs.10,000/-,



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in default to undergo simple imprisonment for a period of one month. Therefore, according to the learned Additional Advocate General, nothing survives for consideration in this writ appeal.

3.The learned counsel appearing on behalf of the appellant stated that the submissions of the learned Government Advocate may be recorded and orders may be passed.

4.In view of the same, the statement made by the learned Government Advocate is hereby recorded.

5.Since the appellant has already suffered conviction, no further orders are necessary in this appeal and hence, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.] [N.S., J.]

12.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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Chennai-6.
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(Food Wing)
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Tractors Road, Perumalpuram,
Tirunelveli-7.
- 4.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.
- 5.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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RMT.TEEKAA RAMAN, J.
and
N.SENTHILKUMAR, J.

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