



Crl.O.P.(MD)No.14617 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.14617 of 2022

and

CrI.M.P.(MD) No.9473 of 2022

1.R.Kodikesavan

2.P. Rajan

... Petitioners

Vs.

1.State through, The Food Safety Officer,
Thoothukudi Corporation Zone - II,
Thoothukudi District.

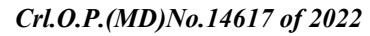
2.Kalimuthu (Age not known),
(Father's name not known)
Code No. 596, Zone II,
Food Safety Officer,
Thoothukudi Corporation,
Thoothukudi District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No. 195 of 2021 pending before the learned Judicial Magistrate No. II, Thoothukudi and quash the same.

For Petitioners : Mr.KA.Ramakrishnan

For Respondents : Mr.S.Ravi
Additional Public Prosecutor



This petition has been filed challenging the proceedings initiated by the respondents against the petitioners under Section 3(1)(zx) and Section 3(1)(zz)(v)(vii) and (xi) and Section 26(1)(2)(i)(ii) and (v) read with 51, 59(i) of the Food Safety and Standards Act, 2006.

2. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel.



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The petitioners shall be present before the Court at the time of questioning under Section 313(i)(b) of Cr.P.C., and at the time of passing of the judgment and as and when required by the trial Court.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No. 195 of 2021, within a period of six months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in *Vinod Kumar Vs State of Punjab* [2015 (1) MLJ (Crl) 288 SC]. If the petitioners adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand him to custody as per the judgment of the Hon'ble Supreme Court in *STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)*. Consequently, connected miscellaneous petition is closed.

04.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

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1.Judicial Magistrate No.II,
Thoothukudi.

2.State through, The Food Safety Officer,
Thoothukudi Corporation Zone - II,
Thoothukudi District.

3.Kalimuthu
Code No. 596, Zone II,
Food Safety Officer,
Thoothukudi Corporation,
Thoothukudi District.



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N.ANAND VENKATESH,J.

PKN

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Dated: 04.12.2024