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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P(MD)No.21875 of 2022

and

Crl.M.P(MD)Nos.15419 and 15420 of 2022

1. V.Mohan

2. M/s.Pure and Cure Aquaa Foods,
Represented by its representative (V.Mohan)
No.138, Sanjeevi Nagar,
Chennai Bye Pass Road,
Trichy.

... Petitioners

Vs

State represented by its
The Food Safety Officer,
Trichy Corporation, Code No.592,
Tamilnadu Food Safety and Drug
Administration Department,
Deputy Director Health Service Complex,
Trichy District-2.

... Respondent

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the entire records relating to the proceeding in C.C.No.138 of 2022 on the file of learned Judicial Magistrate No.I, Trichy and quash the same as illegal.



For Petitioner : Mr.Madhu J,

For Respondent :Mr.B.Thanja Aravindh
Government Advocate (Crl.Side)

ORDER

This petition has been filed challenging the proceedings in C.C.No.138 of 2022, on the file of the learned Judicial Magistrate No.I, Trichy, for the offence under Sections 51 and 59(i) of 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



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dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning under Section 313 (1)(b) of Cr.P.C and at the time of passing of the final judgement and as and when required.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.138 of 2022 within a period of three 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 them 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 petitions are closed.

10.12.2024

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

1. The Judicial Magistrate No.I, Trichy.

2. The Food Safety Officer,
Trichy Corporation, Code No.592,
Tamilnadu Food Safety and Drug
Administration Department,
Deputy Director Health Service Complex,
Trichy District-2.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

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