

# N.Anandavel vs The State Rep By on 31 January, 2022

**Author: G.R.Swaminathan**

**Bench: G.R.Swaminathan**

CrI.O.P(MD)N

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.819 of 2021

and

CrI.M.P.(MD)No.367 of 2021

1.N.Anandavel

2.P.Poorani

3.M/s.Vel Mart,

Production/Packing and Wholesale Company,

8/1, Koontha Pannai Street,

Virudhunagar – 626 001,

Represented by the petitioners 1 and 2.

... Petitioners

Vs.

1.The State Rep by

The Food Safety Officer,

Code No.323, Kayathar Block,

Block Development Office Complex,

Kayathar – 628 952,

Thoothukudi District.

2.S.Kompaiah Pandian

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482

Cr.P.C., to call for the records in S.T.C.No.2285 of 2019 on the fi

Judicial Magistrate No.I, Kovilpatti, Thoothukudi District and quas

proceedings as against the petitioners.

<https://www.mhc.tn.gov.in/judis>

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CrI.O.P

For Petitioners : Mr.L.Prabhu  
For Respondents : Mr.E.Antony Sahaya Prabahar,  
Addl. Public Prosecutor for R1

Mr.S.Saravanan for R2.

#### ORDER

Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor for the first respondent and the learned counsel for the second respondent.

2.The petitioners are facing trial in S.T.C.No.2285 of 2019 on the file of the Judicial Magistrate No.I, Kovilpatti, for the offences under Sections 51, 52(1), 59(i) and 63 of Food Safety and Standards Act, 2006.

3.The learned counsel for the petitioners reiterated all the contentions set out in the memorandum of grounds. Since contentious facts are involved, I am not in a position to go into the same in exercise of jurisdiction under Section 482 of CrPC. All the defence of the respective parties are left open. This criminal original petition is dismissed. However taking into account the overall circumstances, the <https://www.mhc.tn.gov.in/judis> personal appearance of the petitioners before the Court below is dispensed with. However, the Court below will insist on the personal appearance of the petitioners only on three occasions namely, to answer the charge, for examination under Section 313 of CrPC and at the time of pronouncing Judgment. On all other occasions, the petitioners need not appear before the Court below. However, on those occasions, the petitioners will have to be represented by their counsel. If the petitioners' counsel is also absent, the benefit of dispensing with the personal appearance of the petitioners will stand automatically vacated. The learned trial Magistrate is directed to dispose of the case on merits and in accordance with law within a period of four months from the date of next hearing date. Consequently, connected miscellaneous petition is closed.

31.01.2022 Index :Yes/No Internet : Yes/No ias Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned. <https://www.mhc.tn.gov.in/judis> To:

- 1.The Judicial Magistrate No.I, Kovilpatti, Thoothukudi District.
- 2.The Food Safety Officer, Code No.323, Kayathar Block, Block Development Office Complex, Kayathar – 628 952, Thoothukudi District.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

<https://www.mhc.tn.gov.in/judis> <https://www.mhc.tn.gov.in/judis> G.R.SWAMINATHAN, J.

ias 31.01.2022 <https://www.mhc.tn.gov.in/judis>