

Crl.O.P.(MD)No.10665 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.10665 of 2023
and Crl.M.P. (MD) No.8484 of 2023

1. Sathish

2. Anandh

... Petitioners

Vs.

Food Safety Officer,
Karur, Code No.429,
Tamil Nadu Food Safety and
Drug Administration Department,
District Collector Office Campus,
Karur District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertain to the order passed in CMP.No.2912 of 2023 in C.C.No.637 of 2022 on file of Learned Judicial Magistrate Court No.I, Karur, dated 18.4.2023 and set aside the same as illegal.

For Petitioners : Mr.R.Karunanidhi

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



WEB COPY



Crl.O.P.(MD)No.10665 of 2023

ORDER

This petition has been filed challenging the proceedings of the learned Judicial Magistrate No.1, Karur, in CMP.No.2912 of 2023 in C.C.No.637 of 2022, dated 18.04.2023.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent.

3.The petitioners were facing a private complaint initiated by the respondent for offences under Sections 51, 52(i), 58, 59(i) of the Food Safety and Standards Act, 2006. The summons was issued to the petitioners and the petitioners were asked to be present before the Court below.

4.The petitioners appeared before the learned Magistrate on 20.03.2023 and pleaded guilty. Based on the same, the Court below posted the case for passing final judgment. In the meantime, the petitioners realized that they have to contest this case and without



Crl.O.P.(MD)No.10665 of 2023

knowing the consequence, they have pleaded guilty. Hence, they filed the petition on 10.04.2023 by expressing their intention to contest the case on merits.

5.The Court below through the impugned proceedings dated 18.04.2023, dismissed the application and posted the matter for pronouncing judgment. Aggrieved by the same, the present petition was filed before this Court.

6.When the matter came up for admission before this Court, this Court called for a report from the learned Judicial Magistrate No.1, Karur. On going through the report, this Court passed the following order on 15.11.2023:

“Let the entire records be called for from the learned Judicial Magistrate No.I, Karur, pertaining to the case in C.C.No.637 of 2022 pending on his file, to know whether the admission of guilty was voluntary or not, since it has been stated that no legal advise was given to the petitioner at the time of the above said proceedings.



CrI.O.P.(MD)No.10665 of 2023

WEB COPY

2.The report received from the trial Court says nothing about the issue. It has been simply stated that on the first day of questioning, the accused admitted the guilt. It is also stated that when the matter was posted for pronouncing judgment, A1 and A2 remained absent. Hence, NBW was issued against them.

3.Let the petitioners appear before the concerned Court and get the warrant recalled.

4.Let the trial process be kept in abeyance.

5.List the matter on 17.12.2023.”

7.In the considered view of this Court, it is not necessary for the learned Judicial Magistrate to straightaway act upon on the accused persons pleading guilty before the Court. The learned Magistrate must see if the accused persons understand the consequence and they have sufficient legal advice before they pleaded guilty. Where the punishment provided is a quite serious, normally the Magistrates will not act upon the accused persons pleading guilty and will afford an opportunity to contest the case. Law on this issue is too well settled.



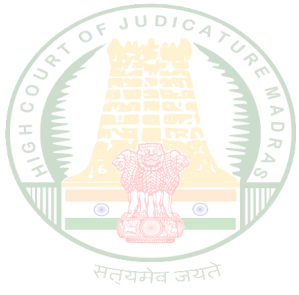
Crl.O.P.(MD)No.10665 of 2023

WEB COPY

8.The petitioners did not appear before the Court below and therefore Non Bailable Warrant has issued against the petitioners. Pursuant to the order passed by this Court on 15.11.2023, the petitioners appeared before the Court below and the NBW has also been recalled.

9.Taking into consideration the facts and circumstances of the case and considering the fact that the petitioners on legal advice want to contest this case, the petitioners must be given an opportunity to contest the case on merits.

10.In the result, the order passed by the learned Judicial Magistrate No.1, Karur, in CMP.No.2912 of 2023 in C.C.No.637 of 2022, dated 18.04.2023, is hereby set aside. The Court below shall proceed further with the case by affording opportunity to the petitioners and deal with the case on its own merits and in accordance with law. The Court below shall complete the proceedings in C.C.No.637 of 2022 within a period of three months from the date of receipt of a copy of this order.



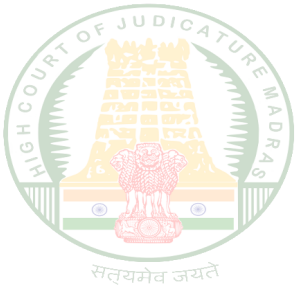
Crl.O.P.(MD)No.10665 of 2023

WEB COPY

11.This Criminal Original Petition is allowed with the above directions. Consequently, connected miscellaneous petition is closed.

19.11.2024

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



Crl.O.P.(MD)No.10665 of 2023

WEB COPY To

1. Food Safety Officer,
Karur, Code No.429,
Tamil Nadu Food Safety and
Drug Administration Department,
District Collector Office Campus,
Karur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.10665 of 2023

N.ANAND VENKATESH,J.

PKN

Crl.O.P.(MD)No.10665 of 2023

Dated: 19.11.2024