

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.10976 of 2015
& M.P.Nos.1 and 2 of 2015

M.Amudhan

... Petitioner

Vs

State rep. by
The Inspector of Police,
C.S.C.I.D, Erode

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the entire proceedings including the final report filed by the respondent police in C.C.No.100 of 2013 on the file of Judicial Magistrate-III, Erode.

For Petitioner : Mr.K.Rajasekaran

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The petitioner has come up with this petition, challenging the entire proceedings including the final report filed by the respondent police in C.C.No.100 of 2013 on the file of the learned Judicial Magistrate-III, Erode.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3. It is the case of the prosecution that on 5.12.2011, the Sub Inspector of Police, C.S.C.I.D, Erode on getting information raided the premises of the petitioner and found that the petitioner was mixing Kerosene Oil, Furnace Oil and Water and selling them as petroleum products in the night. During the raid, they seized the samples of the materials and found that the materials seized contained 68% of Kerosene, 30% of Furnace Oil and 2% of Water. After completing the investigation, the police filed the final

report for the offences under Clause 17 of Tamil Nadu Kerosene (Regulation of Trade) Order 1973, r/w 7(1) (a)(ii) of Essential Commodities Act, 1975.

4. It is the contention of the learned counsel for the petitioner that Clause 17 of Tamil Nadu Kerosene (Regulation of Trade) Order 1973 cannot be invoked because that relates to possession of more than 20 Litres of Kerosene.

5. In the considered opinion of this Court, the provision of law stated in the final report is not sacrosanct and it is always open to the concerned Magistrate to go through the final report and the accompanying documents and frame the charges in accordance with the penal provisions that would attract the overt act alleged in the final report.

6. Hence, there is no merit in the contention of the learned counsel for the petitioner. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

ajr

To

1. The Inspector of Police,
C.S.C.I.D
Erode
2. The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate III,
Erode.

+1cc to Mr.K.Rajasekaran, Advocate, S.R.No.24498

Cr1.OP No.10976 of 2015

KK(CO)
CA(15/05/2015)