

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No.931 of 2015

and

M.P.Nos.1 and 2 of 2015

S.Sambandan

.. Petitioner

Versus

State rep.by

The Drug Inspector

Thiruvannamalai Range I/C

Vellore Zone.

... Respondent

Criminal Revision Case filed under Sections 397 read with Sec. 401 of Cr.P.C. against the order dated 03.06.2015 passed by the learned Principal District Munsif cum Judicial Magistrate, Vandavasi in C.M.P.No.1382 of 2015 in C.C.No.65 of 2008.

For Petitioner : Mr.V.R.Appaswamee

For Respondent : Mr.V.Arul
Government Advocate
(Crl.side)

ORDER

Challenging the order of dismissal dated 03.06.2015 passed by the learned Principal District Munsif cum Judicial Magistrate, Vandavasi in C.M.P.No.1382 of 2015 in C.C.No.65 of 2008 in dismissing the petition filed under Section 245(1) of the Criminal Procedure Code to discharge the petitioner from the alleged offence, this Criminal Revision case has been filed.

2. The brief facts of the case is as follows:

The petitioner was alleged to have found in possession of certain drugs for sale and distribution without having any valid drug licence. Hence a case was registered for the alleged offence under Sections 18(c), 18A, Section 32 of the Drugs and Cosmetics Act, 1940 and punishable under Sections 27(b)(ii) and Section 28 of the Act. Though the evidence of the prosecution side was closed, charges are yet to be framed. At this juncture, the petitioner has filed the aforesaid petition to discharge him from the alleged offence. However, the Court below held that only after full trial, the Court will be able to find out the alleged involvement of the petitioner. It has also further held that only to drag on the proceedings, the petitioner has filed the said petition. Accordingly, dismissed

the said petition. Aggrieved over the same, the present revision is filed.

3. Learned counsel for the petitioner would submit that the prosecution witnesses examined have admitted that the drugs seized from the petitioner are not kept for sale. Further he would submit that the respondent did not secure the invoices, bill books and sale receipts from the petitioner's premises. Hence, he would submit that only a false complaint has been preferred against the petitioner. Accordingly, he would pray for setting aside the order passed by the Court below.

4. Learned Government Advocate (Criminal side) would submit that it is too early to come to the conclusion that the petitioner was not involved in the alleged offence. Accordingly, he would pray for dismissing the criminal revision case.

5. Heard both sides and perused the order passed by the Court below.

6. As rightly pointed out by the learned Government Advocate (Criminal side), at this stage, the petitioner cannot be discharged from the alleged offence and only after conclusion of the full fledged trial, the Court could come to its logical conclusion whether to discharge the petitioner from the offence or not? Hence, I do not find any reason to interfere with the order passed by the Court below.

7. At this juncture, the learned counsel for the petitioner would only pray that the Court below may be directed to dispose of the matter at the earliest possible as the witnesses have already been examined. He would also submit that he may be given liberty to raise all the points raised before this Court before the Court below during trial.

8. Having regard to the said submission made by the learned counsel for the petitioner, the Court below is directed to dispose of the C.C.No.65 of 2008 pending on its file as expeditiously as possible and affording sufficient opportunity to the petitioner to raise all his defence in the matter.

9. With the above direction, this Criminal Revision Case is disposed of. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

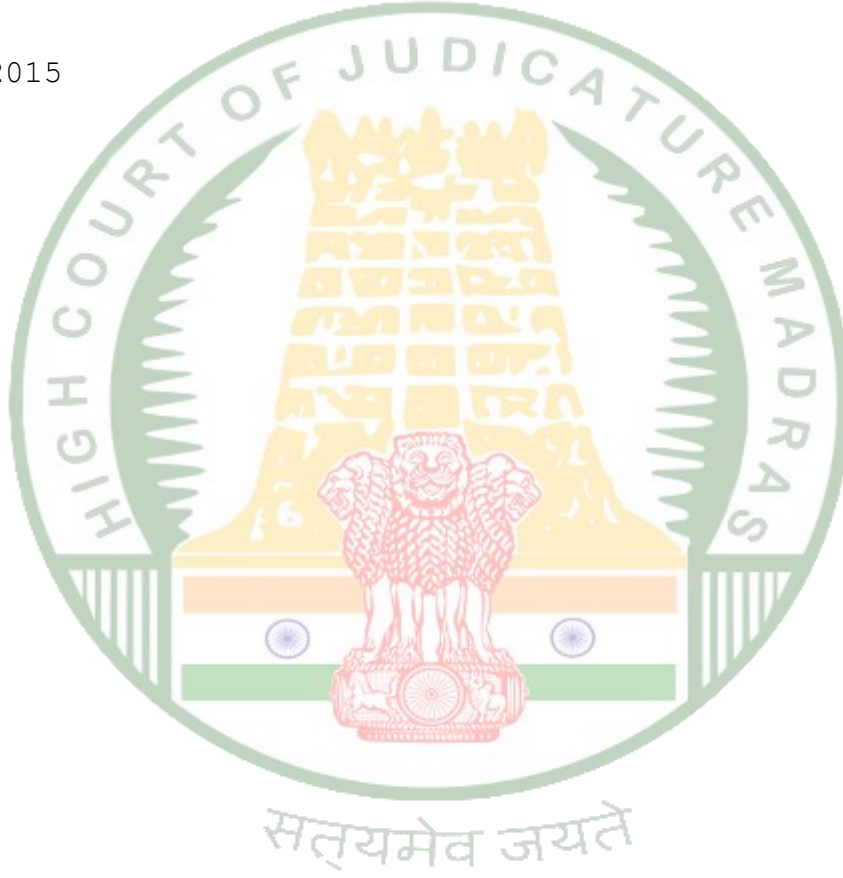
1. The Principal District Munsif cum Judicial Magistrate
Vandavasi.

2. The Public Prosecutor, Madras

+1 cc to Mr.V.R.Appaswamee, Advocate (sr54144)

Cr1.R.C. No.931 of 2015

ctk(co)
cp 29/10/2015



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