

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

CrI.O.P.No.28152 of 2013

K.K.Venkatesan

...Petitioner/Accused

vs.

1. The Sub Inspector of Police,
Traffic Investigation Team,
V-5, Thirumangalam Police Station,
Thirumangalam, Chennai-600 101.
2. T.Eswaralingam ...Respondents/Complainant.
(R2 impleaded as per the order dated 7.2.2014)

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to quash the final report in C.C.No.3282/2013 in Cr.No.78/TM/2013 on the file of the VI Metropolitan Magistrate, Egmore, Chennai-8.

For Petitioners : Mr.P.Kumaresan

For Respondents : Mr.M.Maharaja

Additional Public Prosecutor for R1

O R D E R

The petitioner was charge sheet for offences under Sections 338 IPC and Sections 184 and 185 of the Motor Vehicles Act in C.C.No.3282/2013 on the file of the VI Metropolitan Magistrate, Egmore, Chennai. This petition is filed to quash the said proceedings.

2. Mr.P.Kumaresan, learned counsel for the petitioner submitted that under Section 185 of the Motor Vehicles Act, a person driving the vehicle in a drunken state is punishable. He further submitted that LW6-Doctor Gopinath has given a certificate on the basis of the information furnished by the petitioner that the petitioner was in a drunken state and he has not conducted any test on the petitioner to arrive at the conclusion and in these circumstances, the certificate of the Doctor cannot be accepted to the effect that the petitioner was in drunken state while driving the vehicle. He also submitted that case as against petitioner insofar as offence under Section 185 of the Motor Vehicles Act has to be quashed.

3. Heard the learned Additional Public Prosecutor appearing for the first respondent.

4. I am unable to accept the contention of the learned counsel for the petitioner. It is seen from the charge sheet that LW6-Doctor was examined and he has also given a certificate to the effect that after examining the petitioner, he found that the petitioner was in a drunken state and it is for the Doctor to give evidence during trial regarding the test conducted by him while issuing the certificate. Even as per the evidence of the Doctor, he examined the petitioner and found that the petitioner was in a drunken state and he did not come to the conclusion on the basis of the statement of the petitioner. Further LWs.1 and 2 also stated that liquor smell emanated from the petitioner. Considering the same, the contention of the learned counsel for the petitioner cannot be accepted.

5. In the result, this Criminal Original Petition is dismissed.

jvm

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The VI Metropolitan Magistratye,
Egmore, Chennai 8.
2. The Sub Inspector of Police,
Traffic Investigation Team,
V-5, Thirumangalam Police Station,
Thirumangalam, Chennai-600 101.

3. The Public Prosecutor,
High Court, Madras.

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Cr1.O.P.No.28152 of 2013