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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2015

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRL.OP(MD)No.23069 of 2014

and

MP(MD).No.1 & 2 of 2014

Muthuramalingam

... Petitioner/Accused No. 2

Vs.

1)The State rep. by
The Inspector of Police,
Ettyapuram Police Station,
Tuticorin District,
In Crime No.177 of 2014.

...1st Respondent/ Complainant

2)Sivan Arul Kandasamy ... 2nd Respondent/Defacto Complainant

Petition filed under Section 482 of the Criminal Procedure Code to call for the records from the lower court in S.T.C.No.1528 of 2014 on the file of the Judicial Magistrate Court No.2, Kovilpatti, Tuticorin District and to quash the same.

For Petitioner : Mr. V.Kathirvelu Senior Counsel for
Mr.K.Prabhu

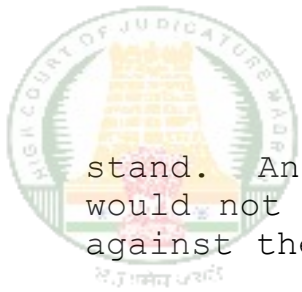
For R1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.1528 of 2014 on the file of the Judicial Magistrate Court No.2, Kovilpatti, Tuticorin District, wherein, the petitioner/2nd accused has been charged for the offences under Section 4(1)(a) of the Tamil Nadu Prohibition Act.

2.The case of the prosecution is that the first accused effected sale of liquor bottles in an open area and that he did so at the instance of the second accused/petitioner.

3.The prosecution case as regards this petitioner rests on nothing more than the statement allegedly made by the first accused in the case upon his arrest and cannot be allowed to



stand. Any confession statement of the co-accused to the Police would not be admissible in evidence even against him much less against the petitioner.

4. In the result, the Criminal Original Petition shall stand allowed and the proceedings in proceedings in S.T.C.No.1528 of 2014 on the file of the Judicial Magistrate Court No.2, Kovilpatti, Tuticorin District, as regards the petitioner/Accused No.2, shall stand quashed. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1) The Judicial Magistrate Court No.2,
Kovilpatti, Tuticorin District.

2) The Inspector of Police,
Ettyapuram Police Station,
Tuticorin District,
In Crime No.177 of 2014.

3) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Nb2
AA/29.01.2015/2p- 4c/

CRL.OP(MD) No.23069 of 2014
08.01.2015