



WEB COPY

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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.23271 of 2014

T.Satheesh

... Petitioner/8th Accused

Vs.

The Inspector of Police,
Prohibition and Exercise Wing,
Nirthiavilai Police Station,
Kanyakumari District.

... Respondent/Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for records pertaining to C.C.No.2 of 2009 on the file of the Judicial Magistrate II, Kuzhithurai, Kanyakumari District and quash the same as far as petitioner and pass such further or other order as this Court may deem fit and necessary for these circumstances of this case.

For Petitioner : Mr.H.Velavadhas

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

O R D E R

This Criminal Original Petition is filed under Section 482 of Cr.P.C. to the case in C.C.No.2 of 2009 on the file of the Judicial Magistrate II, Kuzhithurai, Kanyakumari District.

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

3. The case registered in Crime No.173 of 2008 for alleged offences under Sections 6, 7 of TNRS r/w 4(1)(A), 4(i)(aaa) and 14(A) of TNP Act is pending trial in C.C.No. 2 of 2009 before the learned Judicial Magistrate No.II, Kuzhithurai.

4. The contention of the learned counsel for the petitioner is that the petitioner stands arrayed as an accused on the impression that the petitioner is the owner of the vehicle used in committing the offence. The petitioner had, even prior to the occurrence, effected the sale thereof. In circumstance where the sale of the vehicle by the petitioner has not been duly registered with the Motor Vehicle Authorities, the petitioner would have to make out his defence before the trial court. For the said reason, this Criminal Original Petition shall stand dismissed. Consequently, connected miscellaneous petitions are also dismissed.



5. However, taking note of the submission of the learned counsel for the petitioner to the effect that the petitioner is an engineering graduate, who has not come to any adverse notice earlier, this Court would direct the court below to dispense with his appearance upon his swearing to an affidavit informing his address for service, that he duly would be represented by his counsel on all hearing dates; that he would, at no instance, dispute his identity and that, he would appear before the trial court as and when required. Upon the petitioner doing so, the trial court may seek the presence of the petitioner before it, solely on the important hearing dates.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(C.S.)

- To
1. The Judicial Magistrate No.II, Kuzthithurai.
 2. -Do- Through The Chief Judicial Magistrate, Kanyakumari at Nagercoil.
 - 3.The Inspector of Police,
Prohibition and Exercise Wing,
Nirthiavilai Police Station,Kanyakumari District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

+lcc to Mr. H.Velavadhas ,Advocate in SR.No. 1188

TS/27.01.2015/2P-6C

CRL.OP (MD) No.23271 of 2014
and M.P. (MD) Nos. 1 and 2 of 2014

08.01.2015