



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

CRL.O.P(MD)NO.7630 of 2015

1.S.J.Rajmohan

2.S.J.Ramkumar

... Petitioners/Accused Nos.1&2
Vs.

1.State through

The Inspector of Police,
CS-CID, Virudhunagar.

In Crime No.146 of 2012

... 1st Respondent/Complainant

2. The Special Tahsildar,

Civil Supplies Department,
Virudhunagar District.

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under section 482 of Criminal Procedure Code, praying to call for records in C.C.No.267 of 2014 on the file of Judicial Magistrate Court No.I, Virudhunagar and to quash the same as so far as the petitioners concerned.

For Petitioners : Mr.G.Mariappan

For Respondents : Mrs.S.Prabha

Government Advocate (Crl. Side)

ORDER

The petitioner has been arrayed as an accused in Crime No.146 of 2012 for the offences under Section 6(4) of the Tamilnadu Scheduled Commodities (Regulation of Distribution by Card System) order 1982 r/w 7 (1)(a)(ii) of The Essential Commodities Act, 1955, after investigation, final report was filed which is pending in C.C.No.267 of 2014 before the learned Judicial Magistrate No.I, Virudhunagar. Seeking to quash the proceedings, the present petition has been filed.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondents and perused the available materials on record.

3. The only point raised by the learned counsel for the petitioner is that there is absolutely no material to come to the conclusion that the contraband goods is the PDS rice. The petitioner is the owner of a rice mill. The allegation is that he has procured the PDS rice and store it in the mill for the purpose of selling it.

4. Perusal of the records shows that this court has already been directed the learned Government Advocate (Crl. Side) to get instruction. Further, it appears that there is no worthy analysis have been made to come to the conclusion that the ceased rice is the PDS rice. The only difference sought to be raised by the learned Government Advocate (Crl. Side) is that the PDS rice is the boiled rice.



5. This court is opined that the same cannot be the basis to come to a conclusion that the rice ceased from the petitioners is the PDS rice. There is no other available material from what source the rice have been procured.

6. Accordingly, this court is inclined to quash the proceedings in C.C.No. 267 of 2014 on the file of the learned Judicial Magistrate No.I, Virudhunagar.

7. Hence, the Criminal Original Petition stands allowed.

Sd/-
The Assistant Registrar

/True copy/

Sub-Assistant Registrar

To

- 1.The Judicial Magistrate No.I,
Virudhunagar.
2. The Inspector of Police,
CS-CID, Virudhunagar.
3. The Special Tahsildar,
Civil Supplies Department,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.G.Mariappan, Advocate SR.no.39399

pjl

Sm:IV:5.08.2015:2P/6C

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16.07.2015