

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.3023 of 2015

ORDER

-

This criminal revision case is directed against the order dated 05.10.2015 passed in Crl.M.P.No.113 of 2012 in C.C.No.204 of 2011 by the learned Additional Judicial First Class Magistrate at Jangaon, whereby the petition filed by the petitioner under Section 239 Cr.P.C. seeking to discharge him from the case, was dismissed.

2. The petitioner is arrayed as A8 in C.C.No.204 of 2011 registered for the offence punishable under Section 34(a) of A.P.Excise Act, 1968. He filed the aforesaid petition stating that basing on the confessional statement of A6, he was implicated in this case and that there is no material to show that he has committed the offence alleged and therefore, he is entitled to be discharged from the case. The said petition was dismissed by the trial Court. Aggrieved by the same, the present revision is filed.

3. Heard and perused the material on record.

4. The allegations in the charge sheet would show that A6 and A8 mediated between A2,A3,A4,A7.A9 and A11 and got 300 cartons of non-duty paid liquor of Aristocrat Premium Whisky, during October, 2010, supplied by A9 and A11. By the order impugned, the trial Court observed that the petitioner/A8 being the Assistant Store Officer in APBCL in collusion with A6 supplied non-duty paid liquor from APBCL depot to the shop of M/s.Sri

Rama Wines Maddur and M/s.Sri Rama Wines at Cherial, which is clear violation and contravention of Section 34(a) of A.P.Excise Act. In view of the same, the trial Court has rightly dismissed the application and there is no need to interfere with by this Court. However, the presence of the petitioner/A8 before the trial Court is dispensed with, except on the dates expressly directed by the trial Court and the petitioner shall be represented by his counsel.

5. Accordingly, the criminal revision case is disposed of. Miscellaneous petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

7th December,2015

sj