

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1255 of 2016
and
Crl.M.P.Nos.11306 and 11307 of 2016

Kabadi Venkusa Hari

.. Petitioner

vs.

The Assistant Commissioner of Customs
Prosecution Cell,
Preventive Department,
Customs House,
Chennai - 600 001.

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C., to call for the records in E.O.C.C.No.251 of 1993 and to set aside the order of the Additional Chief Metropolitan Magistrate (E.O.I), Egmore, Chennai -8, dated 04.10.2016 made in Crl.M.P.No.1079/2016 in C.O.C.C.No.251 of 1993.

For Petitioner : M/s.R.Loganathan

For Respondent : Mr.K.Madhan
Government Advocate (Crl. side)

सत्यमेव जयते
O R D E R

Petitioner faces prosecution for offence u/s. 135(1)(a) of the Customs Act,1962. Petitioner has moved Crl.M.P.No.1079 of 2016 in C.O.C.C.No.251 of 1993 seeking to press into service notification in Circular 27 of 2015 (Customs) dated 23.10.2015. Against dismissal of such petition, this present revision stands filed.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

3. Circular No.27 of 2015 (Customs) dated 23.10.2015, provides guidelines for launching of prosecution in relation to

offences under Customs Act and the same can only be prospective in nature. The present case relates to the year 1991. Final report was filed in the year 1993. Petition u/s. 239 Cr.P.C for discharge was dismissed by Court below and there against petitioner preferred a revision in CrI.R.C.No.1131 of 2010 and obtained an order of stay. Such criminal revision eventually was disposed of on 27.01.2016 with a direction to dispose of the case within a period of three months. Only thereafter, petitioner has moved CrI.M.P.No.1079 in E.O.C.C. No.251 of 1993 on the file of Additional Chief Metropolitan Magistrate (E.O.I), Egmore, which came to be dismissed by order dated 04.10.2016.

Prosecution cannot be compelled to withdraw a case. The revision is seen only as an attempt to protract proceedings. Criminal revision shall stand dismissed. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Additional Chief Metropolitan Magistrate (E.O.I),
Egmore, Chennai -8.

Copy to
The Government Advocate,
High Court, Madras.

+1cc to Mr.R.Loganathan, Advocate sR.No.63555

KS (CO)
GN(07/04/2017)

CrI.R.C.No.1255 of 2016

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