

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.30285 of 2015 and M.P. No.1 of 2015

R. Kumarapathi

Petitioner

vs.

State of Tamil Nadu
represented by L. Sathiyavani
Drugs Inspectors
Park Town – I Range I/c
O/o Assistant Director of Drugs Control
Zone – I
Chennai 600 006

Respondent

Criminal Original Petition filed under Section 482 CrI.P.C. to call for the records of C.C. No.445 of 2015 pending before the XV Metropolitan Magistrate Court, George Town, Chennai – 1 dated 09.11.2010 and quash the same.

For petitioner

Mr. S. Silambanan, Sr. Counsel
for M/s. Kaavya Silambanan Associates

For respondent

Mr. C. Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to call for the records of C.C. No.445 of 2015 pending before the XV Metropolitan Magistrate Court, George Town, Chennai-1, dated 09.11.2010 and quash the same.

2 Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent State.

3 Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor pointed out that trial in the case has already begun; the Drugs Inspector was examined as P.W.1 on 16.07.2015 and the case has been posted for cross-examination by the accused.

P.N.PRAKASH, J.

cad

Though it is not an inexorable rule that when once trial commences, prosecution should not be quashed, yet, taking into consideration, the nature of allegation in the instant case, which relates to an offence under the Drugs and Cosmetics Act, where, disputed questions of fact are involved, this Criminal Original Petition is dismissed with liberty to the petitioner to raise all the points before the Trial Court. Connected M.P. is closed.

29.06.2016

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Index:Yes/No

To

- 1 The Drugs Inspectors
 Park Town – I Range I/c
 O/o Assistant Director of Drugs Control
 Zone – I, Chennai 600 006
- 2 The XV Metropolitan Magistrate Court
 George Town, Chennai – 1
- 3 The Public Prosecutor
 High Court of Madras
 Chennai 600 104

Crl.O.P.No. 30285 of 2015