

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2243 OF 2016

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ORDER:

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This petition is filed by the petitioner-accused No.5 under Section 482 Cr.P.C. seeking to quash the proceedings against him in C.C.No.96 of 2015 on the file of the Judicial Magistrate of First Class, Vayalpadu, Chittoor District.

Heard and perused the material available on record.

The petitioner is alleged to have committed the offence punishable under Sections 7(1) of the Essential Commodities Act and Section 409 IPC.

It is alleged that the 2nd respondent intercepted an auto while carrying 38 bags of rice and A1 confessed that he procured the said rice from A4 and Mr. Babu fair price shops and basing on the said confession, the petitioner was added as accused No.5.

It is the case of the petitioner that he is distributing the Essential Commodities allotted to his fair price shop to the card holders without any complaint whatsoever from any corner and that the authorization issued in his favour is being renewed from time to time and that there is no material whatsoever to connect him with the alleged offence.

The truth or otherwise of the said contentions raised by the petitioner can be decided by the trial Court. The petitioner is at liberty to file an application before the trial Court raising all the above grounds and seeking to discharge him for the above offence. On such application being filed, the trial Court is directed to dispose of the same in accordance with law. Till disposal of such discharge application, the presence of the petitioner before the trial Court is dispensed with. If the petitioner fails in the discharge application, the petitioner is at liberty to challenge the same before the appropriate Court.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 24.2.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 24.2.2016

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