

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.08.2017

Coram:

The Hon'ble Mr.Justice A.D.JAGADISH CHANDIRA

Crl.O.P.No.26917 of 2011

and

M.P.Nos. 1 and 2 of 2011

1.K.A.Ranganathan

2.Esudass

3.K.R.Cheralathan

.. Petitioners/Accused 1 to 3

Versus

State rep.by its

Additional Superintendent of Police (Crime)

Krishnagiri District.

(DCB Cr.No.2 of 2006) .. Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.136 of 2010 on the file of the learned District Munsif Cum Judicial Magistrate, Pochampalli, Krishnagiri District.

For Petitioners : Mr.R.Karthikeyan

For Respondent : Mr.B.Rameshbabu,
Government Advocate (CS)

ORDER

The petitioners have filed the present Criminal Original Petition to quash the proceedings in C.C.No.136 of 2010, pending on the file of the District Munsif Cum Judicial Magistrate, Pochampalli, which was transferred to the Court of Judicial Magistrate No.2, Krishnagiri and re-numbered as C.C.No.94 of 2016.

2. The learned counsel for the petitioners submitted that the allegations in the final report are that the first petitioner is the owner and licensee of Ranganathan Explosives situated in Keelkuppam Village and the second and third petitioners are the employees under the control of the first petitioner herein. It is further alleged that on 17.01.2006 at about 10.00 a.m., the respondent had conducted a surprise check over the records and registers of the said magazine and found that the petitioners/accused had forged certain bills and placed the forged bills before the officers, as if they were genuine and cheated the Government Officers and further the accused had removed the explosives in violation of license granted to him under Section 5 of Explosives Act and delivered them to unknown or fictitious persons in violation of Rule 141(3) of the Explosives Rules 1983 and the second and third petitioners had effectively assisted and abetted the offences by the first petitioner by delivering the explosives to unknown persons as directed by A1 and thus A1

committed the offences under Section 9 (B) sub-clause (1)a of the Explosives Act, 1884 and under Sections 465, 466, 468, 471 and 420 IPC and against the second and third petitioners, under Section 9 (B) sub-clause (1)a of the Explosives Act, 1884 and under Sections 465, 468 and 471 read with 109 IPC.

3. The learned counsel for the petitioners, Mr.R.Karthikeyan, vehemently contended that on perusal of the entire records and the statements of the witnesses recorded by the respondent, the ingredients of the offences alleged have not been made out against them and moreover vehemently contended that on a reading of the final report, none of the witnesses had stated anything which make out any offences against the accused herein and in view of the above, the learned counsel for the petitioners sought that the proceedings are liable to be quashed against them.

4. On a perusal of the statements it is seen from the statement recorded from one Mr.Chinnaraj, who is the Village Administrative Officer of Sigaravapally Tharappu Thapalmedu, it has been stated by him that no firms named Balaji Blue Metal and Chandrasekar Crusher were in operation within Thapalmedu Village and that he had issued a certificate to that effect to the Investigating Officer and further that

on 21.02.2006 when he was in his office he had been enquired by the Additional Superintendent of Police by showing the bill book number and bill number registering the sale of explosives by the accused K.A.Ranganathan to Balaji Metal and he had told him that bills had been fabricated to show the explosives had been sold to non-existent namely Balaji Metals and Chandrasekar Crusher in order to cheat the Government and to make huge unlawful gain. There are materials available on record to proceed against the accused.

5. It was further contended by the counsel for the petitioner that there is no whisper or murmur about the involvement of Petitioners 2 and 3 who are employees of A1 and the case has to be quashed in respect of them.

6. Admittedly, the second and third petitioners are the staff of the first petitioner who are alleged to have assisted and abetted the offences committed by them. Statement recorded from witnesses reveal that the second and third petitioners are the persons who were aware of the affairs of the business who have assisted and abetted the first petitioner in his business. Moreover, it is seen from the grounds raised by the petitioner and on perusal of the records, the petitioners have not made out the case for quashing of proceedings.

All the grounds raised in this petition can be agitated by the petitioners at the time of trial and it can be decided only by a full fledged trial and this Court cannot do a detailed enquiry in respect of the grounds raised by the petitioners.

7. This Court finds no merits in the grounds raised by the petitioners. Hence, the petition is dismissed. Since the matter is pending from the year 2010, the Judicial Magistrate No.2, Krishnagiri is directed to conduct the trial as expeditiously as possible and complete the trial within a reasonable time. Consequently, connected Miscellaneous Petitions are closed.

29.08.2017

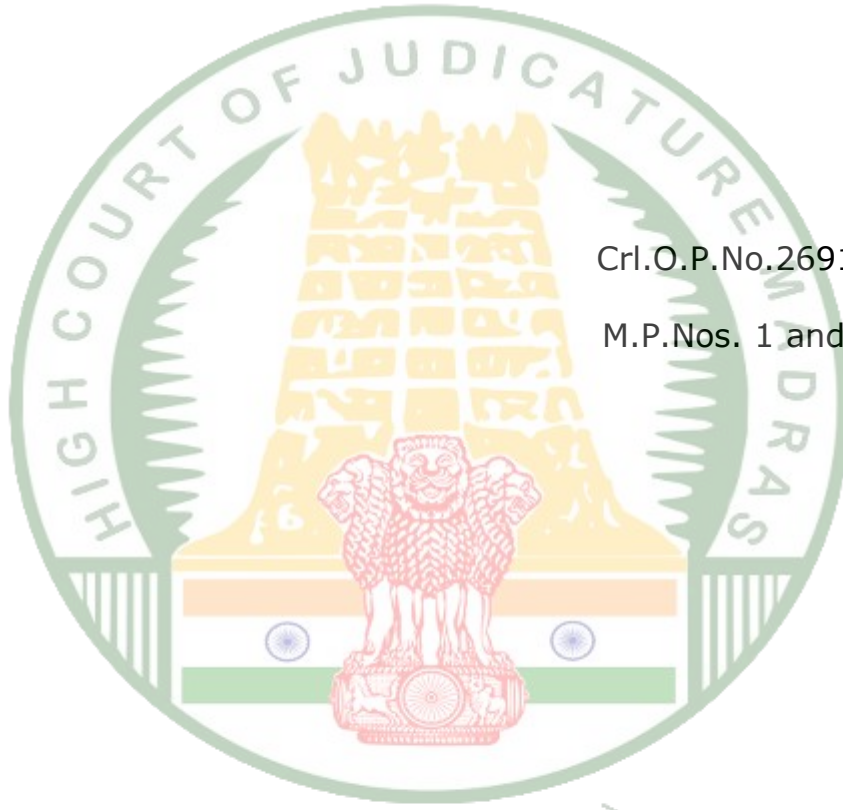
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Copy to:

1. The Judicial Magistrate No.2, Krishnagiri.
2. The Additional Superintendent of Police (Crime) Krishnagiri District.

A.D.JAGADISH CHANDIRA, J

gr.



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