



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.OP.(MD) No.15747 of 2017

and

CRL.M.P.(MD) Nos.10463 and 10464 of 2017

1.Ravichandran
2.Nagaraj
3.Marimuthu
4.Muthuramalingam

... Petitioners / Accused

Vs.

The State of Tamil Nadu represented by
The Inspector of Police,
Mandalamanikkam Police Station,
Ramanathapuram District.

... Respondent / Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in P.R.C.No.23 of 2015 on the file of the Judicial Magistrate Court, Kamuthi, Ramanathapuram District and quash the same.

For Petitioners
For Respondent

: Mr.Y.Prakash
: Mr.A.Ramar,
Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to quash the proceedings in P.R.C.No.23 of 2015 on the file of the Judicial Magistrate Court, Kamuthi, Ramanathapuram District.

2.Heard Mr.Y.Prakash, learned Counsel for the petitioner and Mr.A.Ramar, learned Additional Public Prosecutor, who takes notice for the respondent.

3.The petitioners are Accused Nos.1 to 4 in the criminal case. Originally, on the basis of incident, whereby, the petitioners were found in illegal quarrying of sand using their vehicle, a case was registered in Crime No.40 of 2013 for the offences punishable under Sections 386 and 379 IPC r/w Section 3(ii) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and Section 21(1) of Tamil Nadu Mines and Minerals Regulation Development Act-1957. After filing the charge sheet, the case was taken on file in P.R.C.No.23 of 2015 by the Judicial Magistrate Court, Kamuthi, Ramanathapuram District and the same is now pending.



4.The learned Counsel for petitioners submitted that the petitioners were transporting the sand only with valid transport permit as well as receipt for purchasing the sand from the Public Works Department, dated 15.11.2013.

5.The charge sheet and statement obtained from various witnesses clearly disclose the involvement of the petitioners in the offences, for which they were charged. Materials were gathered as against the petitioners for specific offences. Hence, the petitioners' contention that they have purchased the sand and were transporting the same with a valid permit are matters for evidence and this Court cannot decide the disputed questions of fact at this stage.

6.In that view of the matter, the Criminal Original Petition is dismissed, with liberty to the petitioners to raise all their defence during the trial. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Kamuthi,
Ramanathapuram District.
2. The Inspector of Police,
Mandalamanikkam Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CMR

VB/JC/SAR4/14/12/2017/2P/4C

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