



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.2701 of 2018

and

Cr1.M.P.(MD) Nos.1247 and 1248 of 2018

A.Rabeek Raja

... Petitioner/Accused No.2

-vs-

The State of Tamil Nadu,
rep. by the Inspector of Police,
C.S.C.I.D Police Station,
Virudhunagar District.

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet in C.C.No.135 of 2012 on the file of the learned Judicial Magistrate Court No.I, Virudhunagar in Crime No.304 of 2010, on the file of the respondent and quash the same as illegal as against this petitioner.

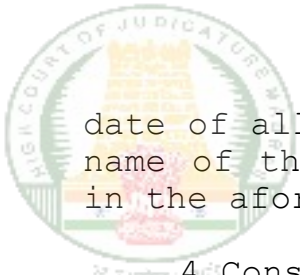
For Petitioner : Mr.T.Lajapathi Roy
For Respondent : Mr.Prabu Ramachandran
Government Advocate (Cr1.Side)

ORDER

This Criminal Original Petition has been filed by the Accused No.2, to quash the proceedings in C.C.No.135 of 2012, on the file of the learned Judicial Magistrate No.I, Virudhunagar.

2.The learned counsel appearing for the petitioner has submitted that the respondent herein has filed a charge sheet in Crime No.304 of 2010, stating that ration rice has been taken in the vehicle bearing Registration No.TN 49 B 6606. He further submitted that the petitioner was the previous owner of the said vehicle and he has sold the said vehicle to the Accused No.1 on 16.04.2010 itself and to that effect an agreement was also entered between the petitioner and the first accused. He further submitted that the alleged offence said to have been committed on 06.08.2010 and therefore, the petitioner cannot be prosecuted for the offence committed by the other accused persons.

3.The learned Government Advocate (Cr1. Side) has submitted that if the petitioner has sold the vehicle then, he has to prove the same before the trial Court. He further submitted that on the



date of alleged occurrence, the RC for the said vehicle stood in the name of the petitioner and hence, the petitioner was also included in the aforesaid case.

4. Considering the aforesaid submissions, it is open to the petitioner to establish before the trial Court that he has already sold the concerned vehicle to the first accused. It is a matter of appreciation of evidence and therefore, this Court cannot express any view with regard to the facts of the case. Therefore, this Criminal Original Petition is liable to be dismissed.

5. In the result, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

6. After passing of the order, the learned counsel for the petitioner has requested to pass order to dispense with the appearance of the petitioner before the trial Court. The learned Government Advocate (Crl. Side) has submitted that already Non Bailable Warrant is pending against the petitioner. Hence, the aforesaid request of the learned counsel for the petitioner is rejected.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar

To

1 The Inspector of Police,
C.S.C.I.D Police Station,
Virudhunagar District.

2 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.T.Lajapathi Roy, Advocate SR.No. 51410

CRL.O.P.(MD)No.2701 of 2018
26.02.2018

ia

JM/KK/SAR 4/20.03.2018/2P/4C