



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2018

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

CRL.R.C. (MD) Nos.470 and 477 of 2018

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Shankar

... Petitioner in both Crl.R.Cs

Vs

State Represented by
Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

... Respondent in both Crl.R.Cs

PRAYER in Crl.R.C. (MD) No.470 of 2018: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C, praying, to call for the records of the trial Court in Cr.M.P.No.1834 of 2018 dated 28.06.2018 on the file of the Judicial Magistrate Court, Manapparai and set aside the same and pass appropriate orders on merit.

PRAYER in Crl.R.C. (MD) No.477 of 2018: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C, praying, to call for the records of the trial Court in Cr.M.P.No.1592 of 2018 dated 06.06.2018 on the file of the Judicial Magistrate Court, Manapparai and set aside the same and pass appropriate orders on merit.

For Petitioner	: Mr.R.Venkatesan
(in both Crl.R.Cs)	
For Respondent	: Mr.A.Robinson
(in both Crl.R.Cs)	Government Advocate (Crl.side)

COMMON ORDER

These two revision petitions are filed by the accused challenging the orders passed by the trial Court dated 06.06.2018 and 28.06.2018 respectively.

2.The sum and substance of the allegation made in the revision petition is that on 01.09.2017, there was a temple festival in the village of the petitioner. The petitioner was entrusted to take care of the drums men and the drama artist and entertain them with liquor. He purchased 25 express brandy bottles worth about Rs.2,500/- and the petitioner was transporting the same in his two wheeler bearing Registration No.TN 45R 6511. The respondent police intercepted him and seized brandy bottles and cash. The case was registered against him as if only 15 liquor bottles were recovered from him. The property was also not forwarded immediately but it was forwarded after the lapse of four months.



3. Further contention of the petitioner is that among 15 bottles produced before the trial Court, 11 bottles do not contain liquor. It was consumed by the police in the Station and filled with water and brandy in the remaining four bottles. Therefore, the content of the bottle has to be sent for chemical analysis.

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4. Since the allegation made by the petitioner was very grave in nature, this Court thought it fit that a report from the learned Judicial Magistrate regarding the physical feature of the bottle along with the photographs and description found in the bottle produced by the respondent should be submitted before this Court.

5. In reference to the direction of this Court, the trial Court has also submitted his report dated 20.08.2018. This Court on perusal of the report and photographs would find that the property, namely 15 brandy bottles, each contain 180ml and the vehicle bearing Registration No. TN 44 R 6511 has been produced before the trial Court on 02.07.2018. The photographs do not indicate any evidence to presume that empty bottles were purchased from empty bottle seller and filled with some material. In fact they appear to be brand new with labels intact. It is also confirmed by the learned Judicial Magistrate that out of 15 bottles, 9 bottle seals are found broken and the rest of the bottle seals are intact. Serial numbers are found in all the bottles and all carry numbers starting with 005925. Therefore, the allegation of the petitioner herein that empty bottles were purchased at random and filled with water does not appear to be true. Therefore, the revision petition filed by the petitioner herein in CrI.R.C.No.470 of 2018 to register a complaint against the Inspector of Police, Vaiyampatti Police Station, Trichy, is unsustainable and therefore, the petition in CrI.R.C.(MD)No.470 of 2018 is dismissed.

6. Insofar as the prayer in CrI.R.C.(MD)No.477 of 2018 to forward the property for chemical analysis, this Court is not inclined to entertain this petition for the simple reason that it is an admitted fact that he purchased liquor bottles from the TASMACHOP shop to entertain the drama artist and that was seized by the police. While so, the question of forwarding the content of the bottles for chemical analysis does not arise. Therefore, the revision petition in CrI.R.C.(MD)No.470 of 2018 is also dismissed.

sd/-

Assistant Registrar (CO)

/True Copy/



To

1. The Judicial Magistrate,
Manapparai.

2. The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

+2cc to Mr.R.Venkatesan, Advocate SR.No.79546,79535

Rmi

MK/SV/SAR 4/10.09.2018/3P/5C

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