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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P.(MD)No.17559 of 2013 and
M.P.(MD)Nos.2 & 3 of 2013

Ganesh Rajan

... Petitioner/Accused No.2

Vs.

The State represented by,
The Inspector of Police,
C.S.C.I.D.,
Tirunelveli.
(Crime No.176 of 2004)

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for records in C.C.No.124 of 2009 on the file of the learned Judicial Magistrate No.I, Tuticorin and quash the same in so far as the petitioner in the above case.

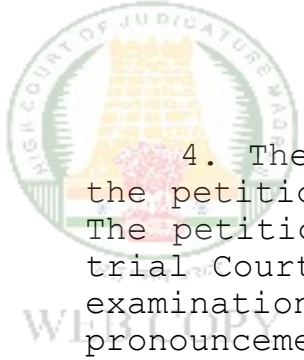
For Petitioner : Mr.K.Seemaraj
For Respondent : Mr.A.Robinson,
Government Advocate(Crl. Side).

ORDER

The petitioner seeks to quash the C.C.No.124 of 2009 on the file of the learned Judicial Magistrate No.I, Tuticorin.

2. The petitioner is shown as the second accused. The case arises under Sections 4(1) a 19(1) of T.N.E.T.A.(RT) Order, 1984 and Section 2(j) 6 (4) c of T.N.S.C(R.D.C.S.) Order 1982 r/w 7(1) a (11) of the E.C. Act, 1955.

3. The matter involves transportation of P.D.S.Rice through train. This Court is of the view that there are clear *prima facie* materials against the petitioner. It is for the petitioner to establish his innocence in the regular trial. This is not a case in which the inherent powers of this Court can be exercised. Leaving open all the defences available to the petitioner, the Criminal Original petition is dismissed.



4. The trial Court shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through his counsel.

Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Tuticorin.
2. The Inspector of Police,
C.S.C.I.D.,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.SEEMARAJ, ADVOCATE IN SR No. 68889

PMU

TE/KKR/SAR-4 : 04/07/2018 : 2P/5C

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