

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6398 of 2019
and
Crl.M.P.Nos.3562 and 3563 of 2019

Mohamed Akil

... Petitioner

Vs.

The State;

Rep. by its Inspector of Police,
Peelamedu Police Station,
Coimbatore District,
[Crime No.1235 of 2018]

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records relating to the case in C.C.No.89 of 2018 pending on the file of Additional District and Sessions Court and Special Court for E.C.Act, Coimbatore and quash the same.

For Petitioner : M/s. R.Barnabas

For Respondent : Mr.C.Raghavan
Government Advocate [Crl. Side]

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.89 of 2018 on the file of the learned Additional District and Sessions Court and Special Court, Coimbatore.

2. The petitioner has been added as A1 in the final report. The petitioner has been made as an accused only on the ground that the police seized a sum of Rs.2,550/- from the petitioner which according to the respondent police was the money that was received by the petitioner after sale of Ganja.

3. There is no witness, who spoke about the connection between the money seized from the petitioner and the alleged sale of Ganja.

4. M/s. R.Barnabas, learned counsel appearing for the petitioner submitted that the petitioner is academically outstanding and he has been unnecessarily robbed in this case. The learned counsel further submitted that the informant and the investigator is the same police official and thereafter, the entire investigation is vitiated in this case.

5. The learned Government Advocate [Crl. Side] submitted that the money has been seized from the petitioner and the prosecution will establish before the Court below, during the course of trial, that this money was in possession of the petitioner only after sale of Ganja.

6. The proceedings before the Court below has to be interfered on the simple ground that the informant and the investigator is the same police officer and as a result of the same, the entire investigation is vitiated. Facts of this case is squarely covered by the judgment of the Hon'ble Supreme Court in Mohanlal v. State of Punjab reported in 2018 SCC Online SC 929.

7. In view of the above, the continuation of the proceedings as against this petitioner will amount to abuse of process of Court.

8. In the result, the prosecution in C.C.No.89 of 2018, on the file of the learned Additional District and Sessions Court and Special Court, Coimbatore, is hereby quashed insofar as this petitioner is concerned. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msm
To

1. The Inspector of Police,
Peelamedu Police Station,
Coimbatore District,
[Crime No.1235 of 2018]

2.The Additional District & Sessions Judge,
Special Court for E.C.Act,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.6398 of 2019

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