

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2019

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.22392 of 2019

and

Crl.M.P.Nos.11682 and 11683 of 2019

1. Vasanth

2. Krishna Prashob ...Petitioners/2nd & 4th Accused

Vs.

1. The State,
Represented by its Inspector of Police,
Vadavalli Police Station,
Coimbatore.

2.Mariappan ..Respondents/Complainant/Defacto Complainant

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, 1973 praying to call for the records of the proceedings in C.C.No.52 of 2018 on the file of the Judicial Magistrate VI, Coimbatore and to quash the same as illegal and without jurisdiction.

For Petitioners: Mr.Sharath Chandran

For Respondents: Mrs.P.Kritika Kamal

Government Advocate (Crl.Side)

[for R1]

ORDER

This Criminal Original Petition has been filed seeking to call for the records of the proceedings in C.C.No.52 of 2018 on the file of the Judicial Magistrate VI, Coimbatore and to quash the same as illegal and without jurisdiction.

2. The earlier quash application in Crl.O.P.No.12494 of 2018 was dismissed by this Court on 27.04.2018.

3. Mr.Sharath Chandran, learned counsel for the petitioners submitted that the petitioners are prosecuted for the offences under Sections 294 (b), 323 and 506 (II) IPC and Section 4 (1)(j) of the Tamil Nadu Prohibition Act, 1937 and that Section 4 (1)(j) ibid, will not apply in view of G.O.Ms.No.330, Home, Prohibition and Excise V Department dated 10.03.1990 issued by the Government of Tamil Nadu.

4. In the opinion of this Court, it is open to the petitioner to raise this point before the trial Court.

5. On instructions, Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) submitted that A1 and A2 are not appearing before the trial Court which is refuted by the learned counsel for the petitioners.

6. Be that as it may, the trial Court is directed to complete the trial in C.C.No.52 of 2018 within a period of six months from the date of receipt of a copy of this order, provided the accused co-operate.

With the above direction, this Original Petition stands dismissed. Connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

bri
To

1. The Judicial Magistrate VI,
Coimbatore.
2. Do Thro The Chief Judicial Magistrate, Coimbatore
3. The Inspector of Police,
Vadavalli Police Station,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.22392 of 2019

and

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VBA (CO)
SP(12/11/2019)

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