



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE: 04.06.2019
CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Cr1.O.P. (MD) .No.6443 of 2019

and

Cr1.M.P. (MD) .Nos.4290 and 4291 of 2019

1. Jeganath
2. C.Sathishkumar ... Petitioners

-Vs-

The Inspector of Police,
Prohibition and Enforcement Wing,
Karur
in Crime No.436 of 2018. ... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to quash the charge sheet in C.C.No.317 of 2018 on the file of the learned Judicial Magistrate No.I, Karur, dated 21.12.2017 in Crime No.436 of 2018 on the file of the respondent police.

For Petitioners : Mr.S.Gokul Raj
For Respondent : Mr.K.Suyambulinga Bharathi
Additional Public Prosecutor

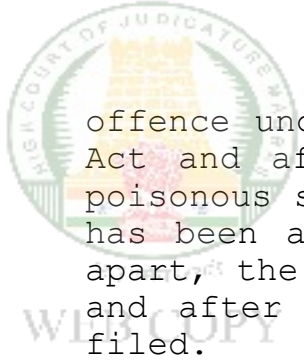
O R D E R

This criminal original petition has been filed seeking to quash the charge sheet in C.C.No.317 of 2018 on the file of the learned Judicial Magistrate No.I, Karur, dated 21.12.2017.

2. The petitioners are the accused Nos.1 and 2 in Crime No.436 of 2018 on the file of the respondent police and the case has been registered against them for the offence under Sections 4(1)(a) r/w. 4(1-A) of Tamil Nadu Prohibition Act. The allegation against the petitioners is that they are in possession of 180 liquor bottles without any proper licence. The present criminal original petition has been filed to quash the charge sheet against the petitioners on the ground that the delay in sending the F.I.R. to the concerned Court and that too the F.I.R. has been send after the petitioner has been remanded to judicial custody. Apart from that the petitioners were charged for an offence under Sections 4(1-A) of the Act, based on the confession given by a co-accused that they have mixed the poisonous substance in the liquor. Subsequently, the Chemical Analyst found that there is no poisonous substance in the liquor and hence, the final report is liable to be set aside.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned Government Advocate (Cr1.side) appearing for the respondent would submit that the crime has been registered for the



offence under Section 4(1)(a) r/w. 4(1-A) of Tamil Nadu Prohibition Act and after investigation, the respondent police found that no poisonous substance available in the liquor. Hence, the charge sheet has been altered into 4(1)(a) of Tamil Nadu Prohibition Act. That apart, the liquor bottles have been recovered from the petitioners and after considering all these materials, final report has been filed.

4. I have carefully considered the materials available on record.

5. Considering the above facts, this Court is of the view that sufficient materials have been available on record to frame charge against the petitioner for the offence under Section 4 (1)(a) of the Tamil Nadu Prohibition Act and as a *prima facie* case is made out against the petitioners for the offence under Section 4 (1)(a) of Tamil Nadu Prohibition Act. The delay in sending the F.I.R. and the evidentiary value of confession of co-accused are matter for trial. All these aspects cannot be decided at this stage. I find no merit in the quash petition. Hence, the Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

6. Considering the fact that already final report has been filed on 04.09.2018, the learned Judicial Magistrate No.I, Karur is directed to expedite the trial in C.C.No.317 of 2018 and complete the same within a period of six months from the date of receipt of a copy of this order.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.I,
Karur
2. The Inspector of Police,
Prohibition and Enforcement Wing,
Karur
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.GOKUL RAJ, Advocate (SR-66838[F] dated 04/06/2019)

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