



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2665 of 2015
and
M.P.(MD)Nos.1 & 2 of 2015

J.Shibu

... Petitioner

Vs.

The Inspector of Police,
Prohibition and Excise Wing,
Tuticorin. (Cr.No.228 of 2009).

... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to quash the charge sheet in C.C.No.92 of 2013, on the file of the learned Judicial Magistrate, Srivaikundam, Tuticorin District.

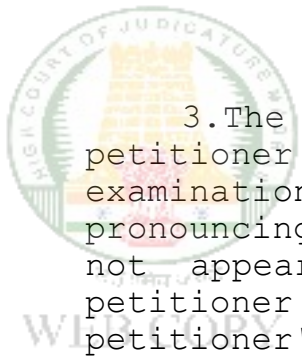
For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.A.Robinson
Government Advocate (crl.side)

O R D E R

The petitioner is facing trial in C.C.No.92 of 2013, on the file of the learned Judicial Magistrate, Srivaikundam, Tuticorin District, for offences punishable under Sections 4(1)(aaa) and 4(1)(A) of TNP Act.

2.The petitioner is figuring as Accused No.7. The case of the petitioner is that the actual accused is another Shibu and not the petitioner herein. I am of the view that this cannot be a ground for quashing the impugned proceedings as far as the petitioner is concerned. The petitioner will have to necessarily establish his innocence only before the Court below. Therefore, leaving open all the defences available to the petitioner, this criminal original petition stands dismissed. The learned Judicial Magistrate, Srivaikundam, Tuticorin District, is directed to complete the trial within a period of four months from the date of receipt of a copy of this order. The personal appearance of the petitioner before the Court below shall stand dispensed with.



3.The Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, to examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing the personal appearance of the petitioner will stand automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate,
Srivaikundam, Tuticorin District.
 - 2.The Inspector of Police,
Prohibition and Excise Wing, Tuticorin.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to Mr.H.VELAVADHAS, Advocate SR-88471.

Crl.O.P (MD)No.2665 of 2015
20.09.2019

Sji/Is

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