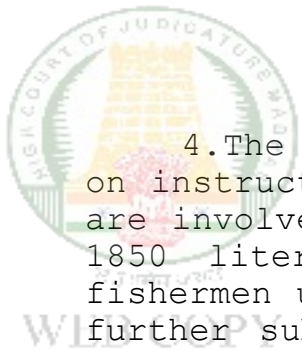




4.The learned Government Advocate appearing for the respondent, on instructions, would submit that the petitioner and other accused are involved in serious offence and they have illegally transported 1850 liter of white kerosene to Kerala, which was given for fishermen under Civil Supplies Scheme by the Government. She would further submit that there are specific allegations as against the petitioner and hence, she would pray for dismissal of this petition.

5.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent and perused the materials available on record.

6.Admittedly, the petitioner and other accused have illegally transported 1850 liter of white kerosene to Kerala, which was given for fishermen under Civil Supplies Scheme by the Government. The averments of the charge sheet would clearly show the overt act as against the petitioner. The Hon'ble Supreme Court by judgment dated 02.12.2019 in **CrI.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

'9.It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.'

7.Here in the present case, there are specific allegations in the charge sheet filed against the petitioner and therefore, the grounds raised in this petition can be gone into only in a full-fledged trial. Accordingly, this Criminal Original Petition is dismissed. Considering the facts and circumstance of the case, the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District is directed to conclude the entire trial proceedings in C.C.No.193 of 2019, as expeditiously as possible. Consequently, connected miscellaneous petitions are closed.

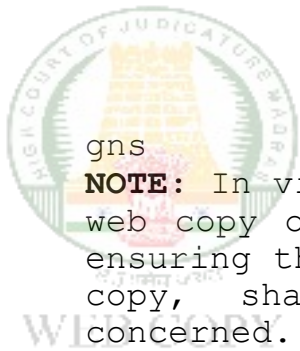
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



gns

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.III, Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
Civil Supplies-C.I.D.,
Kuzhithurai Unit,
Nagercoil, Kanyakumari District.

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P. (MD) No.14853 of 2020
21.12.2020

SRK(CO)
KB(11.01.2021) 3P 4C