



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16192 of 2021

and

Crl.M.P.Nos.8807 & 8808 of 2021

1.Ramesh
2.Balamurugan @ Balu
3.Murugesh @ Munusamy
4.Ramalingam
5.Kamrudeen
6.Shanmugam

...Petitioners

Vs.

The Inspector of Police,
Prohibition Enforcement Wing
Dharapuram, Tiruppur District.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to call for the records in connection with Charge Sheet in S.C.No.103 of 2019 dated 27.11.2019 on the file of the Sub Court, Dharapuram and quash the same.

For Petitioners : Mr.R.Lakshmi Narayanan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The petitioners, who are A3, A4, A5, A7, A8 & A10 in S.C.No.103 of 2019 and who are facing trial for offences under Sections 3, 7 & 14 of the Tamil Nadu Rectified Sprit Rules, 2000, 4(1)(aa), 4(1)(a), 4(1)(aaa), 4(1-A) of The Tamil Prohibition Act and 467, 420, 468, 471 of the Indian Penal Code, have filed this quash petition.

2.The primary contention of the petitioners is that the person, who has registered the FIR and conducted the investigation are one and the same, investigation not properly conducted and on that score alone, the case to be quashed.Further, though there are several accused in this case, no specific overt act has been assigned against any of the



petitioners. Except for a bald statement, no specific overt act and the role played by the petitioners mentioned in the final report, as well as nothing is found in the statement of the witnesses. The petitioners are falsely implicated and unnecessarily harassed and they have been made to undergo the ordeal of trial. In this case, the main accused have been left out and the petitioners have been made as scapegoats.

3. The learned Additional Public Prosecutor submits that in this case, the complaint received in the year 2017, investigation completed and charge sheet filed in the year 2018 itself. During the investigation, some vehicles, motorcycles, the materials used for preparing the illicit spirit and liquor, packing materials, machinery used for the same, raw materials, bottles and other materials have been seized in this case. In this case, totally there are 13 accused. The Seized articles have been produced before the Court, statement of witnesses LW1 to LW29 had been recorded. LW29 is the investigating officer. Listing witnesses, documents, materials and the final report have been filed before the committal Court in the year 2018 and after much delay, the case came to be committed to the Court of Sessions, which had taken the case on file in S.C.No.103 of 2019.

4. Further, the contention of the learned counsel for the petitioners is that the respondent has been unnecessarily dragging the trial in this case and in this case, charges have been framed and the case is posted for trial on 21.09.2021. He further submitted that there are only 29 witnesses and with priority, the trial could be completed.

5. Considering the submissions and also finding that the points raised by the petitioners are factual in nature, which have to be decided only during the trial and further, on the undertaking given by the respondent police that they shall produce the witnesses then and there without any delay, the petitioners undertake to cross examine the witnesses without seeking time then and there, this Court directs the trial Court to complete the trial within a period of six months from the date of receipt of a copy of this order. Accordingly, the criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

1. The Subordinate Judge,
Dharapuram,
Tiruppur District.
2. The Inspector of Police,
Prohibition Enforcement Wing
Dharapuram,
Tiruppur District
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Lakshmi Narayanan, Advocate, Sr.47094

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