



Crl.M.P.Nos.10323, 10324 & 10344 of 2021

in

Crl.O.P.Nos.18761 & 18838 of 2021

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M.NIRMAL KUMAR, J.

The petitioners/A4 & A6 were facing trial in C.C.No.62 of 2020 for offences under Section 4(1) (aaa) of TNP Act r/w 7 of Tamil Nadu Rectified Spirit Rules and 420, 468, 120(B) of IPC on the file of the learned Judicial Magistrate, Paramathiyvellar.

2. The primary point raised by the petitioners is that in this case, the seizure mahazar dated 29.09.2021 is said to have been prepared in the presence of Gowri Sankar, Head Constable, Trichy and the total quantity of contraband seized is also recorded. But, there is no statement or any material in the entire charge sheet to show whether it has been disposed of or not. Further, it has been submitted that the seizure of rectified spirit ought to have been done by the prohibition Officer or any police officer not below the rank of Inspector of Police. In this case, there is no material to show whether the destruction ought to have made in the presence of Officers or by below rank of Inspector of Police.



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3. In view of the same, this Court admits these petitions and stay further proceedings in C.C.No.54 of 2020 and also dispense with the personal appearance of the petitioners.

4. Notice to the respondent, returnable by 19.01.2022. Private notice is also permitted.

5. Post this matter on 19.01.2022.

02.12.2021

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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.

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