



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.12031 of 2017 and
CrI.M.P.Nos.7881 and 7882 of 2017

1.Loganathan
2.K.C.Raja

...Petitioners

Versus

State Represented By,
Civil Supplies CID,
Erode.
Crime No.114 of 2015

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to quash the final report filed by the respondent in C.C.No.42 of 2016 on the file of the Judicial Magistrate III, Erode.

For Petitioners : Mr.T.Saikrishnan for M/s.Sai

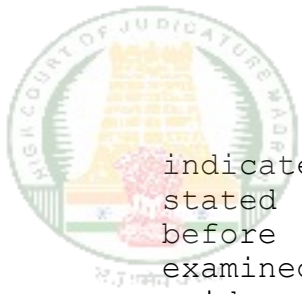
For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (CrI.Side)

ORDER

This criminal original petition is filed to quash the proceedings in C.C.No.42 of 2016 on the file of the Judicial Magistrate III, Erode, filed against the accused for the offence under Clause 6(4) of the TNSC (RDCS) order 1982, r/w Sec.7(1) (a) (ii) of the Essential Commodities Act, 1955.

2. The allegation against the accused is that the accused procured Public Distribution System rice meant for supply to the people and in the process of transporting the same to sale in other States. The same was seized. Therefore the prosecution has laid a final report.

3. It is the contention of the learned counsel appearing for the petitioners that the sur-charge proceedings do not



indicate the name of the petitioners. Whereas the prosecution stated that out of 10 witnesses, 4 witnesses were examined before the trial court. As four witnesses have already been examined, It is the domain of the trial court to appreciate the evidence. At this Stage this stage, while sitting in 482 Cr.P.C., this court cannot conduct a roving enquiry as to the factual aspects of the case. In such view of the matter, this court is not inclined to quash the proceedings in C.C.No.42 of 2016.

4. Accordingly, the criminal original petition is dismissed. Consequently, the connected criminal miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

psa/asr

To

- 1.The Judicial Magistrate III,
Erode.
- 2.The Civil Supplies CID,
Erode.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Saikrishnan, Advocate SR. No.67209

Cr1. O.P. No.12031 of 2017

KV (CO)
PR (28/12/2021)