



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE **R.THARANI**

Crl.O.P.(MD)No.4252 of 2021

and

Crl.M.P.(MD)Nos.2378 and 2379 of 2021

S.Jeyaseelan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thoothukudi Police Station,
CSCID-Madurai.

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records and quash the entire proceedings in C.C.No.193 of 2019 in Crime No.115 of 2018 pending trial before the learned Judicial Magistrate No.IV, Thoothukudi as far as the petitioner is concerned.

For Petitioner : Mr.V.T.Narendiran

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

ORDER

The present petition is filed seeking to quash the proceedings in C.C.No.193 of 2019 in Crime No.115 of 2018 on the file of the learned Judicial Magistrate No.IV, Thoothukudi.

2.On the side of the petitioner, it is stated that a case was registered against the petitioner for transporting 17 gunny bags of PDS rice. It is the duty of the respondent to prove, in which ration shop, the rice was purchased. It is further stated that this Court in Crl.O.P.(MD)No.22224 of 2016, dated 14.10.2020 has observed that rice cannot be proved as PDS rice merely on the basis of a report of a quality controller. The report of the quality controller is having no evidentiary value and that no offence is made out against the petitioner unless the ration shop from which, the alleged PDS rice was taken is proved. Since no *prima facie* case is made out against the petitioner, the charge sheet has to be quashed.



3.On the side of the respondent, it is stated that the vehicle of the petitioner was found transporting 850kg of PDS rice. A-1 is the driver, he gave confession statement leading to the involvement of the petitioner. The validity of the analysis report given by the quality controller can be decided only at the time of trial. It is the duty of the petitioner to explain the availability of PDS rice found in his vehicle and prayed the petition to be dismissed.

4.It is seen that the vehicle used in this case belongs to the petitioner. The petitioner is A-3 in this case. It is seen that A-1, who is the driver of the vehicle has given a confession statement and that the validity of the analysis report can be decided only at the time of trial.

5.In the above circumstances, a trial is necessary. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.IV, Thoothukudi.

2.The Inspector of Police, Thoothukudi Police Station,
CSCID-Madurai.

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

+1 CC to M/s.V.T.NARENDRAN, Advocate(SR-12634[F] dated 22/03/2021)
Crl.O.P. (MD)No.4252 of 2021