



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.17149 of 2021

and

Crl.M.P. (MD)Nos.9307 and 9308 of 2021

1.Thiagarajan
2.Pandiarajan

... Petitioners

Vs.

State Rep. by its
The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
(Crime No.8 of 2012)

... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.398 of 2014, pending on the file of the learned Judicial Magistrate No.II, Usilampatti and quash the proceedings as against the petitioners herein.

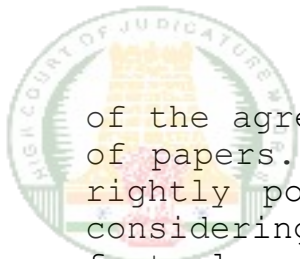
For Petitioners	:	Mr.P.Senguttuarasan
For Respondent	:	Mr.T.Senthil Kumar, Addl. Public Prosecutor.

O R D E R

Heard the learned counsel on either side.

2.The petitioners are figuring as accused in C.C.No.398 of 2014 on the file of the Judicial Magistrate No.II, Usilampatti for the offences under Section 379 of IPC r/w. Section 20(1)(5) of Mines and Minerals (Development and Regulation) Act.

3.The learned counsel for the petitioners submitted that the second petitioner had been granted license to quarry brick earth from patta lands for running his brick kiln. The specific contention of the petitioners' counsel is that the so-called contraband seized by the respondent police is actually savadu removed by the petitioners from a patta land. According to him, it is false to state that the contraband was removed by the petitioners from a water body. It is true that the second petitioner is having license to quarry and remove brick earth from patta lands. A copy



of the agreement dated 19.01.2012 has also enclosed in the typed set of papers. His brick kiln is also registered entity. However, as rightly pointed out by the learned Additional Public Prosecutor, considering the petitioners' contention would entail going into factual aspects. I cannot give a finding as to whether the contraband seized by the respondent is actually a mineral removed from the patta land by the petitioners in terms of the agreement dated 19.01.2012. The petitioners will have to necessarily prove their innocence only before the trial Court in a full fledged trial. Leaving open their contentions and defences, the criminal original petition is dismissed. However, considering the overall facts and circumstances, the personal appearance of the petitioners before the Court below is dispensed with. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

To:

- 1.The Judicial Magistrate No.II,
Usilampatti.
- 2.The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
3. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

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PK(CO)

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