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***Crl. R.C.(MD)No.925 of 2021***

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.12.2021

CORAM

**THE HONOURABLE MRS. JUSTICE R. THARANI**

Crl. R.C.(MD)No.925 of 2021

and

Crl.M.P.(MD)No.11035 of 2021

Ramesh

.. Petitioner/Petitioner/Accused No.2

Vs.

The State Rep. By the,  
Inspector of Police,  
PEW Uthamapalayam Police Station,  
Uthamapalayam,  
Theni District.  
(Crime No.534 of 2018)

.. Respondent/Respondent/Complainant

**Prayer :** This Criminal Revision Case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the entire records relating to the order dated 21.09.2021 made in Cr.M.P.No.2930 of 2020 on the file of the Judicial Magistrate Court, Uthamapalayam in C.C.No.274 of 2020 on the file of the Judicial Magistrate Court, Uthamapalayam dismissing the discharge petition.

For Petitioner : Mr.J.Sulthan Basha  
For M/s.Ajmal Associates  
For Respondent : Mr.K.Sanjay Gandhi  
Government Advocate

### **ORDER**

This petition has been filed to set aside the petition passed in Cr.M.P.No.2930 of 2020 in C.C.No.274 of 2020 dated 21.09.2021, on the file of the Judicial Magistrate Court, Uthamapalayam.

2.The case against the petitioner is that when the special team of Police searched the premises of Thaai Manamakil mandram, the vehicle bearing registration No.TN-38-B-7616 was in the premises and some carton boxes are being unloaded. When the team of police verified the carton boxes, they found duplicate liquor bottles. A case in Crime No.534 of 2018 under Section 4(1)(aa), 4(1-A) and 24 of Tamil Nadu Prohibition Act was registered against the petitioner and others. Later, the case was taken on file as C.C.No.274 of 2020 on the file of the Judicial Magistrate, Uthamapalayam. Subsequently, the charges was altered into Sections 4(1)(a) and 24 of Tamil Nadu Prohibition Act and



Sections 486 and 487 of IPC. The petitioner has filed a discharge petition in Cr.M.P.No.2930 of 2020 on the file of the learned Judicial Magistrate, Uthamapalayam. The petition was dismissed by the trial Court. Against the same, the petitioner has filed this Criminal Revision Case.

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3.On the side of the petitioner, it is stated that this accused was falsely impleaded in the case. The petitioner is A2 in the case. Already it was found out that there were no poisonous substance in the liquor. Only the label was alleged to have some difference and the bottles are not fake bottles. The petitioner is not having any connection with the case and prayed the petitioner to be discharged from the charges.

4.On the side of the respondent, it is stated that FIR is registered against the petitioner. The chargesheet is filed against the petitioner. There is specific overt act against A1 and A2. The petitioner is the owner of the place of the occurrence. Only with his consent, the offence has been taken place in the particular place. A1 and A2 are running the liquor shop. A prima facie case is made out against the petitioner and prayed the petition to be dismissed.

5.It is seen that the petitioner is mentioned as A5 in the FIR and he was mentioned as A2 in the chargesheet. The place of occurrence belongs to the petitioner. It is alleged that A1 and A2 were running of liquor shop. Though the chemical report reveals that there is no poisonous substance available in the liquor bottles, the case against the petitioner is possession, transport and sell of liquor without licence. Whether there is nexus between the petitioner and the offence cannot be decided at this stage. The case requires detailed enquiry and hence, there is nothing sufficient enough to interfere in the order of the trial Court.

6.In the result, this Criminal Revision Case is dismissed and the order passed in Cr.M.P.No.2930 of 2020 in C.C.No.274 of 2020 dated 21.09.2021, on the file of the Judicial Magistrate Court, Uthamapalayam is confirmed. Consequently, connected miscellaneous petition is closed.

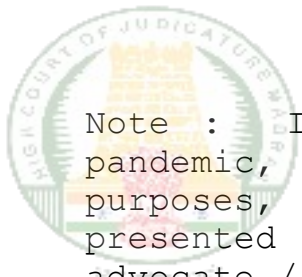
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

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.

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To

1.The Judicial Magistrate, Uthamapalayam,  
Theni District.

2.The Inspector of Police,  
PEW Uthamapalayam Police Station,  
Uthamapalayam,  
Theni District.

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate ( SR-40154[F] dated  
23/12/2021 )

**Crl. R.C. (MD)No.925 of 2021**  
**22.12.2021**

NSN(CO)  
SB(11.01.2022) 3P 5C