



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.25094 of 2021

and

Crl.M.P.No.13824 of 2021

1.Rathinasabapathi

2.Pradeep

...Petitioners/Accused A1 to A2

Vs.

1. State rep.by The Inspector of Police,

PEW Tirupur,

Tirupur District,

in Crime No.765 of 2021

2. Kannappan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in connection with Crime No.765 of 2021 on the file of the respondent, P.E.W, Tiruppur, Police Station, Tiruppur District and quash the same.

For Petitioners : Mr.P.Kalimuthu

For 1st Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the case in connection with Crime No.765 of 2021, on the file of the first respondent and quash the same.

2. The petitioners who are the accused in crime No.765 of 2021, facing trial for offences under Section 4(1) (a) of TN Prohibition Act have filed this petition.

3.The gist of the complaint is that on 18.06.2021, the petitioner where driving a car bearing registration No.TN-40 S-4946, during the vehicle check up, the petitioners' car was stopped and searched. At that time, 1848 Brandy bottles of 12 numbers (750ml) were seized. The contention of the learned counsel for the petitioners is that the petitioners have got no bad antecedents and they are falsely implicated in this case. He further submits that the procedure contemplated



under the TN Prohibition Act in seizing the liquor has not been followed and the further proceedings in this case is barred. He also submits that each person is entitled to hold 4.5 litres of IMFL. In this case, from both the petitioners, around 9 litres have been seized. If the possession is split into two, each petitioners are holding 4.5litres, which is permissible. Hence, no prosecution to be launched.

4.The learned Additional Public Prosecutor submits that joint or individual possession has to be decided in the trial. It was a surprise road check and not a pre-planned search and seizure. The points raised by the petitioners are factual in nature and to be decided during the trial. He further submits that in this case, investigation completed and charge sheet made ready on 29.09.2021 and to be filed before the concerned Magistrate. There are only four witnesses in this case, all are Police Officers and the case will be completed within the stipulated time.

5.The learned counsel for the petitioners submits that the petitioners apprehension is that the trial would be conducted for long time and since the petitioners are in search of job, pendency of this case will affect their career.

6.Finding that the investigation completed and charge sheet filed, without going into the merits, this Court is not inclined to entertain this petition. Considering that the petitioners are youngsters and their future and career, the trial Court to complete the trial within a period of four months from the normal functioning of the Court. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
PEW Tirupur, Tirupur District, in Crime No.765 of 2021
2. The Public Prosecutor, High Court Madras.

Cr1.O.P.No.25094 of 2021
and

Cr1.M.P.No.13824 of 2021

PMK (CO)