



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2200 of 2022

and

Crl.M.P(MD)No.1617 of 2022

WEB COPY

P.Yogaraja

... Petitioner/2nd Accused

Vs.

1.The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
(Crime No.191 of 2021)

... 1st Respondent/
Complainant

2.Jeeva,
The Sub-Inspector of Police,
Usilampatti Town Police Station,
Madurai District.

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the Crime No.191 of 2021 on the file of the second respondent police and quash the same as far as the petitioner/Accused No.2 is concerned.

For Petitioner : Mr.I.Abrar MD Abudullah
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side) for R.1

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2. The petitioner is figuring as A.2 in Crime No.191 of 2021 registered on the file of the learned Judicial Magistrate, Usilampatti, for the offence under Section 4(1)(aaa) of Tamil Nadu Prohibition Act, 1937. The contraband was recovered from the first accused. The first accused has confessed that he had purchased the same from the petitioner herein. The learned counsel would point out that the petitioner being a salesman working in a TASMAL liquor outlet is bound to sell to any person who approaches the outlet. According to him, there is legally no acceptable material to cause the liability on the petitioner. Though I find the said ~~conclusions~~ to be highly persuasive, it is submitted by the



learned Government Advocate (Criminal Side) that final report was filed as early as on 18.08.2021 before Judicial Magistrate, Usilampatti.

3. In these circumstances, I am not in a position to go into the matter on merits. The first respondent is directed to verify, if the final report is still available with the learned Judicial Magistrate, Usilampatti, and if it is not available, a fresh copy shall be filed immediately without delay. The learned jurisdictional Magistrate should take a call in the matter on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order. If the Magistrate takes cognizance of the offences and the petitioner is also made an accused in C.C, it is open to the petitioner herein to move this Court again for the relief. All the contentions of the petitioner are left open. This Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

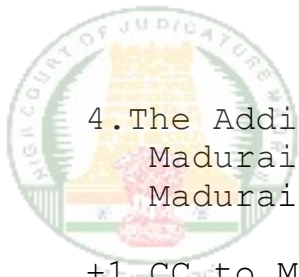
Sub Assistant Registrar(CS)

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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,
Usilampatti.
- 2.The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
- 3.The Sub-Inspector of Police,
Usilampatti Town Police Station,
Madurai District.



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

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-4083[F] dated
03/02/2022)

Crl.O.P(MD)No.2200 of 2022
and
Crl.M.P(MD)No.1617 of 2022
03.02.2022

SB(CO)
SB(26.02.2022) 3P 6C