



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.26339 of 2023
and
Crl.M.P. Nos.18306 & 18307 of 2023

P.Sundaresan

... Petitioner

-VS-

The State of Tamil Nadu
Represented by the Inspector of Police,
Prohibition Enforcement Wing,
Cuddalore.

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records of the case in C.C. No.174 of 2020 on the file of the Judicial Magistrate Court, Cuddalore arising out of FIR in Cr. No.450 of 2019, Prohibition Enforcement Wing, Cuddalore against the petitioner.

For Petitioner : Mr.C.P. Prasanth Gopal

For Respondent :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



ORDER

The case to quash the final report in Crime No.450 of 2019 under Sections 4(1) (a), 4(1-A) & 14-A of Tamil Nadu Prohibition Act (Transport) r/w Section 465, 468 and 471 of IPC and taken on file by the learned Judicial Magistrate No.II, Cuddalore in C.C. No.174 of 2020.

2. The learned counsel appearing for the petitioner submitted that no contraband was seized as per this petitioner and he was suspected as accused because he was accompanying with the accused in the vehicle where the contraband was transported. However, this Court on perusing the records finds that 48 bottles of 1.180 ml HORS-VSOP, 96 Bottles of 90 ML DUM DULUXE BRANDY along with 30 Lrs Pondicherry Arrack were illicitly transported in Mahindra Bolero Vehicle bearing No.TN 31-AF-6417, based on the information, the vehicle was intercepted by the police. The petitioner who was accompanying the other accused in the said car was arrested.

3. Though the learned counsel appearing for the petitioner states that he is innocent passenger in the Bolero Car and he had no knowledge of the contraband in the car, the investigation reveals his involvement. Hence, this case is not fit to quash without full trial, and the petition is dismissed. The



Court below shall expedite the trial preferably within a period of six months.

Consequently, connected Miscellaneous Petitions are also dismissed.

27.11.2023

Internet : Yes/No
Index : Yes/No
rkp

To

1. The Judicial Magistrate Court No.II,
Cuddalore.
2. The Inspector of Police,
Prohibition Enforcement Wing,
Cuddalore.
3. The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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