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Crl.O.P.No.31504 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27..03..2023

Coram

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Criminal Original Petition No.31504 of 2019

and

Crl.M.P.No.17241 & 17242 of 2019

Jega @ Jegadeesh

..... Petitioner

-Versus-

The State Rep. by
The Inspector of Police,
Crime Branch – CID,
Krishnagiri.

.... Respondent

Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to the impugned criminal proceedings in C.C.No.113 of 2015 on the file of the learned Judicial Magistrate, Krishnagiri and to quash the same.

For Petitioner : Mr.M.Linga Durai

*For Respondent : Mr.A.Damodaran,
Addl. Public Prosecutor*



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ORDER

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2. It is alleged that the petitioner in conspiracy with the other accused had illegally transported 17500 litres of poisonous substances known as Atropine in 500 plastic containers.

3. The learned counsel for the petitioner submits that the petitioner has nothing to do with the offence of transportation of the alleged contraband. The petitioner is sought to be implicated only on the basis of confession given by A2 & A3. That apart, there are no other materials to implicate the petitioner on the alleged offences. Since the confession of the co-accused cannot be the sole basis for prosecuting the petitioner, he prayed for quashing of the impugned proceedings.

4. The learned Additional Public Prosecutor would submit that apart from the confession of the co-accused, there are other materials to connect the petitioner with the alleged offences. The statements of witnesses viz., L.W.23, L.W.24, L.W.25 & L.W.17 would prima facie



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show that the petitioner was involved in the conspiracy to transport the poisonous substance.

5. On a reading of the final report, this court finds that the allegation against the petitioner has to be adjudicated only in the trial. As submitted by the learned Additional Public Prosecutor, there are other materials available, besides the confession statement of the co-accused in order to implicate the petitioner. Hence, the impugned criminal proceedings cannot be quashed and the matter has to be adjudicated only in the trial.

For all the above reasons, the criminal original petition is liable to be dismissed and the same is accordingly dismissed. Consequently, connected miscellaneous petitions are closed.

27..03..2023

Index : yes / no
Neutral Citation : yes / no
kmk

To

- 1.The Judicial Magistrate, Krishnagiri, Krishnagiri District.
- 2.The The Inspector of Police, Crime Branch – CID, Krishnagiri.



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