



WEB COPY

Crl.O.P.(MD)No.19770 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.12.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.19770 of 2023

and

Crl.M.P.(MD) No.15469 and 15470 of 2023

V.Nehru

... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Vengamedu Police Station,
Karur District,
In Cr.No.443of 2021.

...1st Respondent/Complainant

2.The Sub-Inspector of Police,
Vengamedu Police Station,
Karur District.

...2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned charge sheet in STC No.2450 of 2023 pending on the file of the learned Judicial Magistrate Court No.I at Karur, and quash the same.

For Petitioner : Mr.N.Marimuthu

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)



ORDER

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This Criminal Original Petition is filed to call for the records relating to the impugned charge sheet in STC No.2450 of 2023 pending on the file of the learned Judicial Magistrate Court No.I at Karur and quash the same.

2. The learned Government Advocate (Crl.Side) would submit that three cases are pending against the petitioner, which are similar in nature.

3. The learned counsel for the petitioner would submit that before 2021, series of cases have been registered against the petitioner. Now, he is working as a Driver. After 2021, no cases have been registered against him, either for similar offences or for any other offences.

4. However, during the course of argument, the learned counsel relied upon the G.O.Ms. No.14, Home, Prohibition and Excise (VI), 9th June 2017, passed by the Government. By virtue of the powers conferred on it by the Section 54 read with clause (iii) of the Provisio to Sub Section (1) of Section 4 of Tamil Nadu Prohibition Act, 1937, amendment was issued, by which, possession for personal consumption was mentioned in a tabular column.



Liquor	Quantity
Indian Made Foreign Spirits	4.5
Imported Foreign Liquor	4.5
Beer	7.8
Wine	9

5. Based on the above said table, this petition has been filed that the ingredients are not at all attracted and the seized quantity is below the permitted limit. As mentioned in the First Information Report, 180 m.l., of 17 beer bottles have been seized (i.e:3060 ml), which is the permitted quantity as per the above said Government Order. On that ground, this petition is allowed. Hence, the case in S.T.C No.2450 of 2023, pending on the file of the learned Judicial Magistrate Court No.I, Karur, is liable to be quashed and accordingly quashed.

5.In the result, this Criminal Original Petition is allowed.
Consequently, connected Miscellaneous Petitions are closed.

01.12.2023

Index : Yes/No
Internet : Yes/No
Indu



Crl.O.P.(MD)No.19770 of 2023

G.ILANGOVAN. J.

Indu

To

- 1.The learned Judicial Magistrate Court No.I, Karur.
- 2.The Inspector of Police,
Vengamedu Police Station,
Karur District.
- 3.The Sub-Inspector of Police,
Vengamedu Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD) No.19770 of 2023

01.12.2023