



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 11370 of 2026

and

Crl.MP.Nos.8089 & 8090 of 2026

Sridharmurthy
S/o. Shankarappa,
D.No.1346, First Cross,
Vijay Nagar, Bangarapet,
Kolar District, Karnataka State.

..Petitioner(s)

Vs

The State Rep.by,
The Deputy Superintendent of Police,
CSCID Police, Vellore Unit,
Vellore District.
Cr.No.195 of 2024.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to call for the records relating to the case in CC.No.1284 of 2025 on the file of the Judicial Magistrate No.IV, Vellore and quash all further proceedings as against the petitioner / Accused No.06 herein and thus render justice.

For Petitioner(s):

Mr.G.Saravanan

For Respondent(s):

Mr.R. RAJASEKARAN

Govt.Advocate (CRL. SIDE)

ORDER

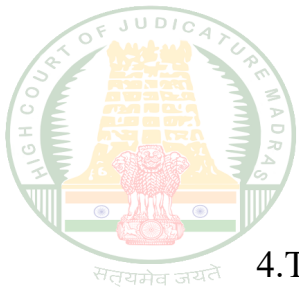
The petitioner/A6 facing trial in C.C.No.1284 of 2025 for offences under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of the Essential Commodities Act, 1955, filed this quash petition.



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2.The case of the petitioner is that on 22.07.2024, the respondent police, while conducting vehicle check, at that time, they stopped the lorry bearing registration No.TN-12-1306 TATA MOTORS TARRUS, from which, they found 403 polythene bags containing 19,650 kilo grams of boiled rice and 309 polythene bags containing 15050 kilo grams of raw rice, in total 712 bags containing 34,700 kilo grams of PDS rice, which were supplied from the ration shop. Since no valid permit or licence was produced, the driver and cleaner were arrested. Thereafter, based on their confession, the other accused were arrested. As regards this petitioner is concerned, the lorry was transporting the PDS rice to the petitioner's rice mill at Bengarapet, Karnataka and thereafter, intended to sell in the black market.

3.The learned counsel appearing for the petitioner submitted that in this case, it is the duty of the prosecution to prove that the PDS rice was purchased from the Card holders as per clause 6(4) of TNSC (RDCS) order, 1982. In this case, no card holders have been examined to confirm that the rice were obtained on a family card. Hence, the foundation card is not proved, in further, the same principles have been reiterated by this Court in Crl.OP.(MD).No. 22224 of 2016 hence, prayed for quashing.



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4.The learned Govt. Advocate (Crl.Side) appearing for the respondent submitted that during patrolling, the respondent police found the lorry driven by A7 & A8 containing so much rice. They had no valid permit or licence. A1 & A2, confessed that the PDS rice had been smuggled from the ration shop with the help of its employees, who have also been arrayed as accused. They further stated that the rice found in the lorry was taken from the ration shop. In this case, on completion of investigation, filed a charge sheet listing 13 witnesses and LW9 is the quality inspector examined the rice and confirmed that it was a PDS rice. Hence, the possession of PDS rice has been proved and it was intended to delivery to the petitioner is also proved. It is for the petitioner to raise his defence during trial and as of now, prima facie material to proceed against the petitioner.

5.Considering the submissions and on perusal of the materials, this court finds that the points raised by the petitioner are factual, which have to be decided during trial and hence, this Court is not inclined to entertain the criminal original petition. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.



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6. It is made clear that the counsel for the petitioner submitted that the petitioner hails from State of Karnataka, hence, he sought his appearance may be dispensed with. It is for the petitioner to file appropriate petition before the trial Court with an undertaking that he will not dispute his identity and the recording of evidence in his absence and will not cause or be a reason for any delay in the trial and that the witnesses present would be cross-examined on the same day. On filing such undertaking, the trial Court to liberally consider the petitioner's dispense with petition.

17-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
sms

To
1. The Deputy Superintendent of Police,
CSCID Police,
Vellore Unit, Vellore District.
Cr.No.195 of 2024.

2. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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