

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.8980 OF 2017

ORDER:

This petition is filed by the State under Section 482 Cr.P.C. to quash the order, dated 27.06.2017 in CrI.M.P.No.1884 of 2017 in Cr.No.76 of 2017 (Kasimkota Police Station) on the file of the Special Judge to try the offences punishable under the NDPS Act-cum-Metropolitan Sessions Judge, Visakhapatnam.

2. Heard Mr.Posani Venkateswarlu, learned Public Prosecutor for the petitioner-State, learned counsel for the respondent-A1 and perused the record.

3. Learned counsel for the respondent-A1 would submit that A1 was remanded to judicial custody on 10.06.2017. A1 is not entitled for police custody as prayed for and relied on decisions reported in **CENTRAL BUREAU OF INVESTIGATION, SPECIAL INVESTIGATION CELL-I, NEW DELHI V ANUPAM J. KULKARNI** ¹, **PUBLIC PROSECUTOR, HIGH COURT OF A.P. V TATIKAYALA VEERANNA** ², **SHAIK BASHA AND OTHERS V STATE OF A.P.** ³, **STATE V SUNDARAMOORTHY** ⁴ and **STATE REP. BY INSPECTOR OF POLICE AND OTHERS V N.M.T.JOY IMMACULATE** ⁵ and contended that while dismissing the application, the Court below has elaborately dealt with the matter and ultimately, dismiss the police custody application filed by the petitioner-State.

4. In the instant case, A1 was remanded to judicial custody on 10.6.2017. More than six months have been passed. The principle laid down in the above decisions is that the police custody cannot be granted after expiry of

¹ AIR 1992 SC 1768

² 2003 (1) ALD (CRL.) 283 (A.P.)

³ 2002 (1) ALD (CRL) 116 (A.P.)

⁴ 2008 (2) ALT (CRT) 190 (DB) (MAD)

⁵ AIR 2004 SC 2282

initial 15 days of remand. Since the time has been lapsed, there is no justification in allowing the application. Moreover, there is no infirmity in the order passed by the Court below. Therefore, the petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 02-02-2018.

Hsd

