

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.A.No.95 of 2019
and
Crl.M.P.No.2111 of 2019

Eswara @ Pandieswaran

...Appellant

-Vs-

The State represented by
The Inspector of Police,
D-4, Otteri Police Station,
Kanchipuram District.

...Respondent

This Criminal Appeal has filed under Section 374(2) of Cr.P.C. praying to call for the records and to set aside the conviction and sentence imposed in C.C.No.43 of 2012 dated 12.09.2015 by the learned I Additional Special Judge for NDPS Act, Chennai.

For Petitioner : Mr.P.G.Perumal Pandian

For Respondent : Mr.R.Ravichandran
Government Advocate (Crl.Side)

J U D G M E N T

The present Criminal Appeal has been filed to call for the records in C.C.No.43 of 2012 dated 12.09.2015 by the learned I Additional Special Judge for NDPS Act, Chennai and to set aside the same.

2. Today when the matter is taken up for hearing, the learned

Government Advocate (Crl. side) submitted that the appellant had

already filed an appeal in Crl. Appeal Nos.678 and 663 of 2015 before this Court on the same set of facts raised in this petition and the same is pending from the year 2015. In order to avoid multiplicity of proceeding and conflicting decisions, this Court may not entertain this appeal and dismiss the same.

3. Heard both sides.

4. On a perusal of records and the submission made by the learned Government Advocate, it is clear that the appellant has filed the appeals in Crl. Appeal Nos.678 and 663 of 2015 before this Court arising out of the same judgment and that appeals are pending before this Court.

5. Under these circumstances, this Court is inclined to dismiss this Appeal. Hence, this Criminal Appeal is dismissed. Consequently, connected miscellaneous petition is also closed.

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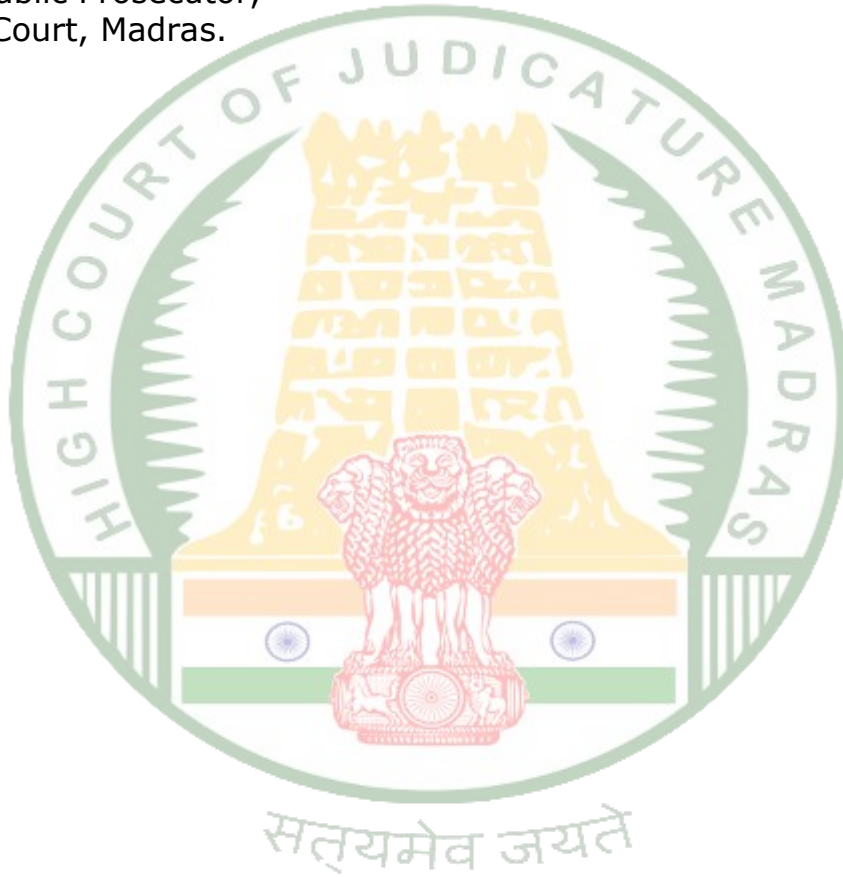
Index: yes/No

Speaking order:Yes/No

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To

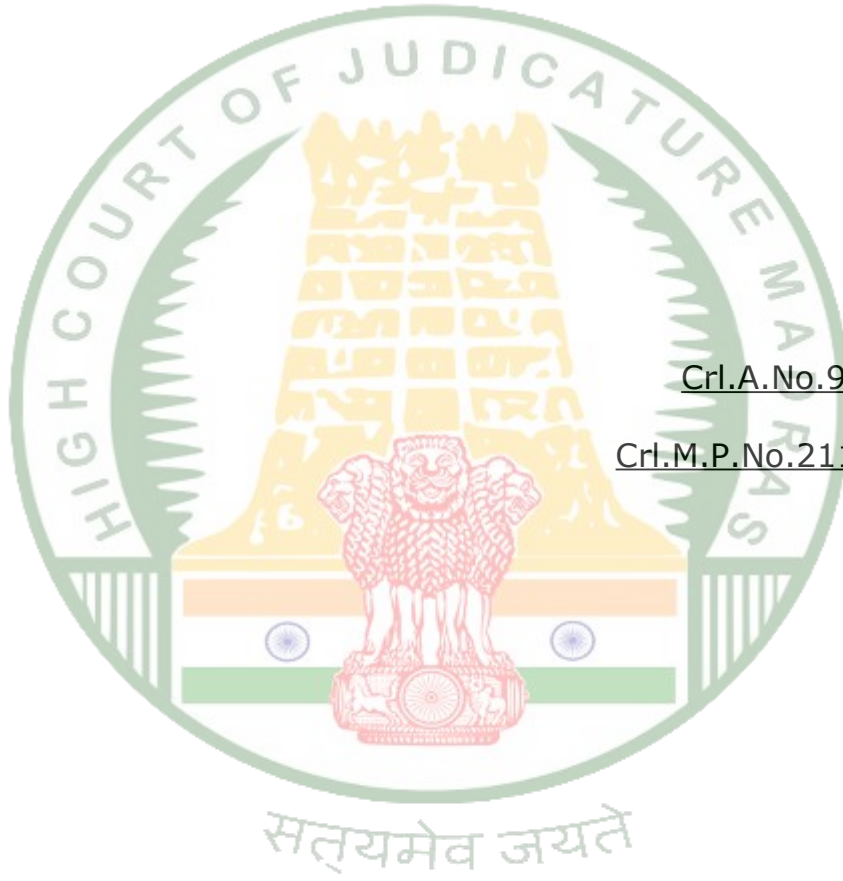
1. The State represented by
The Inspector of Police,
D-4, Otteri Police Station,
Kanchipuram District.
2. The I Additional Special Court, NDPS Act, Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.,

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