

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.216 of 2018

Wasib Khan Liaquat Ali

...Petitioner

Vs.

State by:

The Intelligence Officer,
Narcotics Control Bureau (NCB),
Chennai Zonal Unit,
Chennai - 600 090.

...Respondent

Prayer: This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the order dated 24.01.2018 passed by the Learned special Judge, I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai in Crl.M.P.No.3249 of 2017 in C.C.No. 17 of 2016 now pending trial on the file of the Learned I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai.

For Petitioner : Mr.M.S.Charles
For Respondent : Mr.N.P.Kumar,
Special Public Prosecutor

O R D E R

This Criminal Revision is filed by the petitioner against the order passed in Crl.M.P.No.3249 of 2017, dated 24.01.2018, pending on the file of the learned I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai.

2. The revision petitioner was arrested by the respondent on 12.02.2016 for the alleged offences under Section 8 (c) read with 22, 23, 27 (A), 28 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 for the alleged possession of 10450 tablets of Alprazolam 1 mg. each. The revision petitioner was apprehended based on the mahazar dated 11/12.02.2016 and the said mahazar was prepared by Mr.Ganesan (pw1), Intelligence Officer, who is the seizure officer.

3. It is the case of the revision petitioner that the

entire mahazar was a foisted one and the tower log information of the above mentioned seizure officer is very much necessary to prove as to whether he was available at the said scene of occurrence, as alleged by the prosecution,.

4. The trial court after hearing both the parties and perusing the records, dismissed the petition by observing that seeking the tower log details of the phone number of Mr.Ganesan (pw1), Intelligence Officer at the stage of examination of defence side witness might be an after thought one and the same has been filed only to delay the matter further without any fruitful purpose.

5. Aggrieved with the order passed by the trial court, the revision petitioner has filed the present revision.

6. The learned counsel appearing for the petitioner would submit that Mr.Ganesan (pw1), Intelligence Officer was the alleged seizure officer and he was not present at the time of seizing the substances. If the tower log details of the phone number of Mr.Ganesan (pw1) are traced out, it could be easily proved that the said officer was not present at the said scene of occurrence, which would, in turn, prove the innocence of the revision petitioner. The learned counsel further contended that the learned Additional Special Court for Exclusive Trial of cases has not considered these facts and dismissed the petition. Therefore, the same warrants interference.

7. The learned counsel appearing for the respondent would submit that when Mr.Ganesan (pw1) was examined before the trial court, not even one suggestion or question was put before him by the learned counsel appearing for the defence. The trial court has clearly considered all the evidence and dismissed the petition. He would further contend that after the completion of evidence, at the fag end of the trial, the revision petitioner has filed this revision. Therefore, the order of the trial court need not be disturbed at this juncture.

8. Heard both sides. Perused the records.

9. It could be seen from the order passed by the trial court that though the petitioner has stated that the seizure officer was not present at the time of seizing of the materials and he could not have present since, he was not available on that day, if the tower log details of the phone number of PW1 are traced out, it could be identified where he was at that time but, no suggestion or question was put before him when he was examined as witness before the trial court. Therefore, under these circumstances, on reading of the entire evidence, this Court does not find any perversity or infirmity in the orders

passed by the Courts below.

10. Accordingly, the Criminal Revision is dismissed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

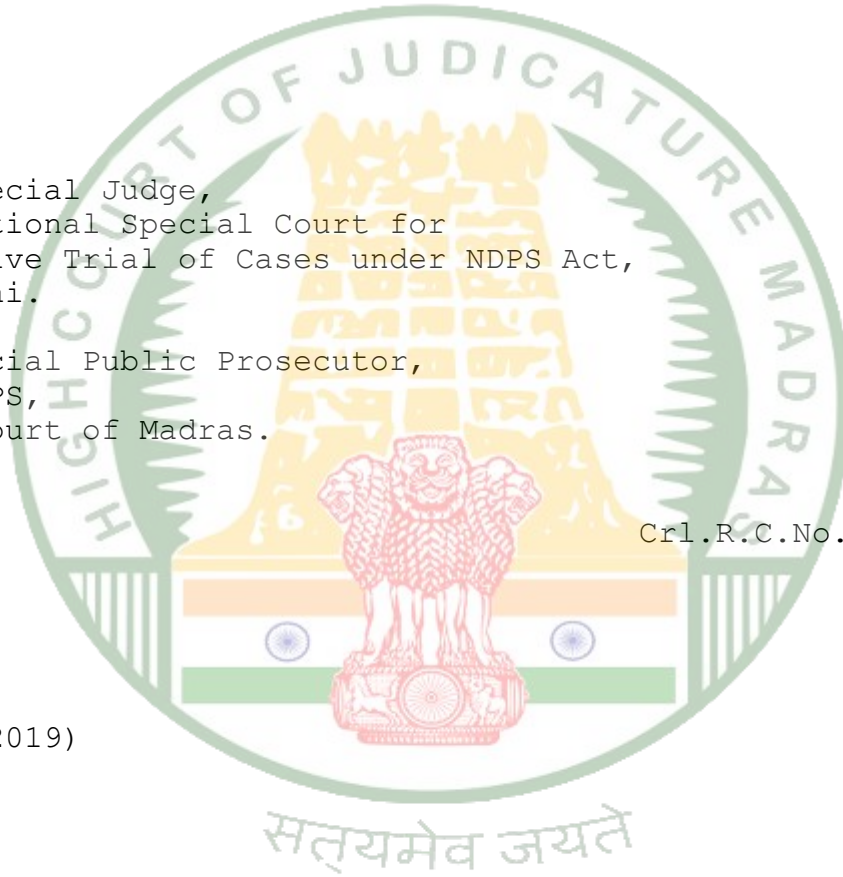
Mbi

To

- 1.The Special Judge,
I Additional Special Court for
Exclusive Trial of Cases under NDPS Act,
Chennai.
- 2.The Special Public Prosecutor,
for NDPS,
High Court of Madras.

Cr1.R.C.No.216 of 2018

MP (CO)
GN(25/03/2019)



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