

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.334 OF 2019

Amjath Khan @ Mathaiya

...Petitioner

Vs.

The Intelligence Officer,
Narcotics Control Bureau
No.6844, Ayappakkam Housing
Road, Chennai.

... Respondent

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure, to set aside the order passed by the learned Special Judge for NDPS and EC Act Cases at Chennai dated 11.03.2019 in Crl.M.P.No.177 of 2019 in C.C.No.21 of 2015 on the file of the learned Principal Special Judge for NDPS & EC Act Cases, Chennai.

For Petitioner : Mrs.Mamta Pandey

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor

O R D E R

The above Criminal Revision has been filed to to set aside the order passed by the learned Special Judge for NDPS and EC Act Cases at Chennai dated 11.03.2019 in Crl.M.P.No.177 of 2019 in C.C.No.21 of 2015 on the file of the learned Principal Special Judge for NDPS & EC Act Cases, Chennai.

2. The petitioner was arrayed as the accused in C.C.No.21 of 2015 on the file of the learned Principal Special Judge for NDPS & EC Act Cases, Chennai. After fulfilled trial, he was acquitted. Challenging his acquittal, the respondent police/Narcotics Control Bureau has filed the present revision before this Court.

3. The learned counsel for the petitioner would submit that the petitioner is Srilanka Citizen and he has been falsely implicated in the case. For the past four years, he has not met

his wife and children. After completing the trial, the case was disposed off by the trial Court and acquitted the petitioner. Therefore, the petitioner is entitled to get back his Passport etc., which was seized by the respondent Police during the investigation. So as to travel to Srilanka to meet his wife and children.

4. The learned counsel for the respondent would submit that the State has got a fair chance of succeeding in the Criminal Appeal. The learned trial Judge has acquitted the petitioner on flimsy grounds.

If the appeal was decided in favour of the appellant, it is difficulty to secure the petitioner/accused.

5. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor and perused materials available on record.

6. As against the judgment of acquittal dated 11.09.2018 in C.C.No.21 of 2015, the respondent has filed the Criminal Appeal and notice has been ordered to the petitioner herein. The learned counsel for the respondent vehemently argued that there is a strong case against the petitioner and the chance of succeed in the criminal appeal is very much high. This Court is of the view that incase the Criminal Appeal is allowed, reversing the judgment of acquittal, then the respondent police could not be in a position to secure the custody of the petitioner.

7. Therefore, this Court is not inclined to entertain the petition filed by the petitioner for return of Passport and other documents. If the Criminal Appeal is dismissed, confirmed the order of acquittal passed by the trial Court, then the petitioner would be at liberty to seek for return of documents. At this stage, it would not be possible to allow the claim made by the petitioner.

8. In the result, this Criminal Revision is dismissed.

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Assistant Registrar(CO)

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Sub Assistant Registrar

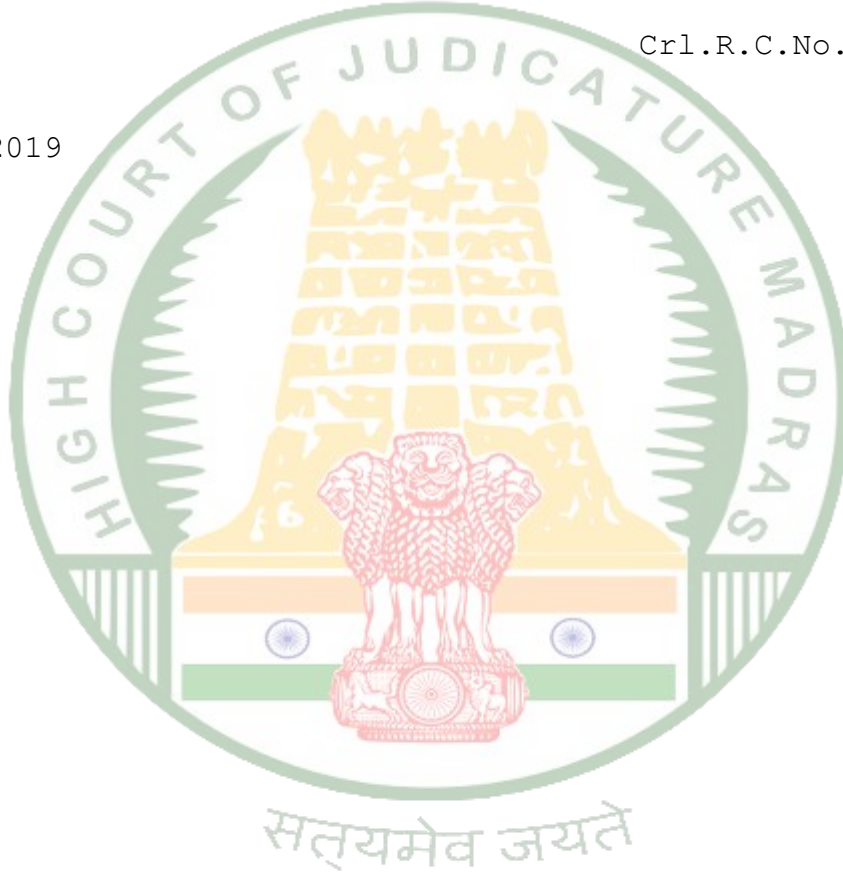
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To

1. The Special Judge for NDPS
and EC Act Cases at Chennai.
2. The Intelligence Officer,
Narcotics Control Bureau
No.6844, Ayappakkam Housing Road,
TNHB Colony, Chennai.
3. The Special Public Prosecutor,
High Court, Madras-104.

Cr1.R.C.No.334 of 2019

PPA(CO)
CS/25/10/2019



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