



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.18258 of 2019

and

Crl.M.P. (MD) Nos.10755 and 10756 of 2019

WEB COPY

Arabath Ali

... Petitioner /1st Accused

Vs.

1.State Rep. by

The Deputy Superintendent of Police,

Sivagangai, Sivagangai District. .. 1st Respondent/Complainant

2.M.Mareeswari

Inspector of Police,

NIB CID,

Sivagangai, Sivagangai District.

(Crime No.45 of 2018)

...2nd Respondent/Defacto

Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.73 of 2019, on the file of the Principal District and Sessions Judge Presiding Officer, Special Court for EC Act, Pudukkottai and quash the same in respect of the petitioner herein.

For Petitioner : Mr.M.Ramu

For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.73 of 2019, on the file of the Principal District and Sessions Judge Presiding Officer, Special Court for EC Act, Pudukkottai.

2.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.45 2018 for the offences under Section 8(c) r/w Sections 20(b)(ii)(C), 29(1) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, as against the petitioner and the same has been taken cognizance in C.C. No.73 of 2019, on the file of the learned Principal District and Sessions Judge Presiding Officer, Special Court for EC Act, Pudukkottai. Hence he prayed to quash the same.



3.The learned Additional Public Prosecutor would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner has to be gone into a full-fledged trial and hence, he prayed for dismissal of the petition.

4.At this juncture, the learned counsel appearing for the petitioner prayed that the personal appearance of the petitioner before the trial Court, may be dispensed with. He would also submit that one and the same advocate is appearing for all the accused and thereby would pray that the time frame may be fixed to the trial Court to complete the trial within a specified period.

5.This Court is of the view that the petitioner is entitled to file a petition under Section 205 of Cr.P.C. seeking for dispensing with the appearance and the Trial Court can consider the case in accordance with the ground situation prevailing at the stage of trial.

6.Accordingly, this Criminal Original Petition stands dismissed, with a direction to the learned Principal District and Sessions Judge Presiding Officer, Special Court for EC Act, Pudukkottai to complete the trial in C.C.No.73 of 2019, within a specified period of four months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal District and Sessions Judge Presiding Officer,
Special Court for EC Act, Pudukkottai.

2.The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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