

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.No.1723 of 2021
and
Crl.MP.No.1006 of 2021

Devasish (A3) aged 20 years
S/o. Mani Bose

... Petitioner

Vs.

State rep by
The Inspector of Police,
Singanallur Police Station,
Coimbatore.
Crime No.596 of 2019.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.51 of 2020 trial pending before the Special Court for Essential Commodities Act Cases at Coimbatore and quash the same.

For Petitioner : Mr.R.C. Paul Kanagaraj

For Respondent : Mr.C.Raghavan

Government Advocate (Crl. Side)

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.51 of 2020, pending on the file of the learned Special Judge, Special Court for Essential Commodities Act Cases, Coimbatore.

2.The petitioner before this Court has been added as an accused in the final report for the offence under Section 8(c) r/w 20(b)(ii)(B) NDPS Act.

3.The learned Government Advocate (Criminal Side) submitted that there are prima facie materials against the petitioner.

4.This Court has carefully considered the submissions made on either side and also perused the materials placed on record.

5.The grounds that have been raised by the learned counsel for the petitioner is purely factual in nature and this Court cannot go into the same in exercise of its jurisdiction

under Section 482 of Cr.P.C. It is left open to the petitioner to raise all his grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

6.The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. The presence of the petitioner is dispensed with and he shall be represented by a counsel who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

7.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings, within a period of two months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in *VINOD KUMAR VS. STATE OF PUNJAB* [2015 (1) MLJ (CRL) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in *STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH* (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Special Judge,
Special Court for Essential Commodities Act Cases,
Coimbatore.

2. The Inspector of Police, Singanallur Police Station,
Coimbatore.

3.The Public Prosecutor, High Court, Madras.

+lcc to Mr.R.C.Paul Kanagaraj, Advocate Sr.No.6481

AKM/26.2.21 /2P-5C/

Cr1.OP.No.1723 of 2021