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CrI.O.P.No.22914 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.22914 of 2022

Rohit Anbu Mohammed

... Petitioner

Vs.

State Represented by
Inspector of Police,
Korattur Police Station,
Chennai City.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to direct the learned Principal Special Judge under EC & NDPS Act,
Chennai to receive the petition dated 13.06.2022 for bail filed by the petitioner
under Section 167(2) of the Code of Criminal Procedure and entertain the same
and direct the release of the petitioner on default bail in Crime No.1166 of 2021
on the file of the Respondent.

For Petitioner : R.John Sathyan

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed seeking direction to the learned Principal Special Judge under EC & NDPS Act, Chennai to receive the petition dated 13.06.2022 for bail filed by the petitioner under Section 167(2) of the Code of Criminal Procedure and entertain the same and direct the release of the petitioner on default bail in Crime No.1166 of 2021 on the file of the Respondent.

2. The contention of the learned counsel for the petitioner is that the charge sheet filed before the trial Court is a defective charge sheet. The statement of the defacto complainant/ Gopinath was not filed along with the final report. In this case, final report was filed on 03.06.2022. However, the statement of the defacto complainant was filed only 23.06.2022 along with the covering letter of the Inspector of Police, T3, Korattur Police Station.



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3. The copy of the letter with the endorsement is produced before this Court for perusal.

4. On the other hand, the learned Government Advocate (Crl. Side) submitted that the statement of the defacto complainant/Gopinath was produced along with the final report itself. Only a copy was produced on 23.06.2022 for the reason that the original statement of the defacto complainant/Gopinath was not available in the Court records.

5. In the light of the contradictory statements and also considering that the learned Judge had twice returned the bail petition filed by the petitioner under Section 167(2) stating that, how the petition is maintainable when the final report is filed on 03.06.2022, this Court directs the learned trial Judge to consider the issue as to whether the final report was filed as required under Section 173 of Cr.P.C and whether the statement of the defacto complainant/Gopinanth was filed along with the final report and pass orders in accordance with law within a period of two weeks from the date of receipt of copy of this



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order.

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6. With the above observations and directions, this Criminal Original
Petition is disposed of.

20.12.2022

Internet : Yes / No

Index : Yes / No

Sma

To

1. Principal Special Judge under EC & NDPS Act,
Chennai.
2. Inspector of Police,
Korattur Police Station,
Chennai City.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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