



Crl.O.P.No.29084 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.29084 of 2022

Logesh

... Petitioner

vs

State, rep. by the Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
(Crime No.530 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order in CMP No.566 of 2022 dated 30.06.2022 passed by the Special Judge for EC/NDPS Act cases, Salem and enlarge the petitioner on bail in Crime No.530 of 2021 on the file of the Inspector of Police, Denkanikottai Police Station, Krishnagiri District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed to set aside the order in CMP No.566 of 2022 dated 30.06.2022 passed by the Special Judge for EC/NDPS Act cases, Salem and enlarge the petitioner on bail in Crime No.530 of 2021 on the file of the respondent police.

2. The learned counsel for the petitioner submitted that the learned Special Judge despite finding that the charge sheet was not filed within a period of 180 days, dismissed the petition stating that the quantity of contraband involved in this case is 300.500 kgs of Ganja. Hence, the present petition has been filed to set aside the dismissal order of the learned Special Judge.

3. The learned Government Advocate (crl.side) submitted that the order is *prima facie* wrong for the reason that the respondent police has filed the final report before the Trial Court on 17.06.2022 itself. Without considering the final report, the petition was dismissed.



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4. Perusal of the typed set produced by the learned counsel for the petitioner and the copy of the final report shows that the final report was filed before the Court on 17.06.2022. Therefore, it is clear that the learned Special Judge, without considering the final report dated 17.06.2022, passed an order. Therefore, the impugned order passed by the Special Judge for EC/NDPS Act cases, Salem in CMP No.566 of 2022 dated 30.06.2022 is hereby set aside. This matter is remitted back to the learned Special Judge for considering the aspect as to whether the final report was filed in this case on 17.06.2022 and pass orders on merits and in accordance with law.

5. With the above directions, this Criminal Original Petition stands disposed of.

12.12.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order

shk



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G.CHANDRASEKHARAN, J.
shk

1. The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
- 2.The Public Prosecutor,
High Court of Madras.

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