



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7320 of 2022

Muthaiah

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
Cr.No. 682 of 2020..

... Respondent/Complainant

For Petitioner : M/s.Karunanithi.M,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

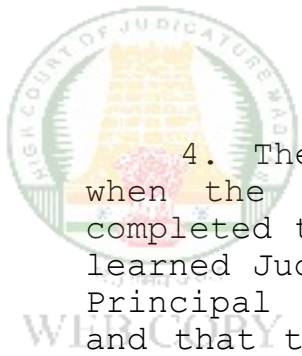
For Bail in Crime No.682 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 23.05.2021 for the offence punishable under Section 8(c) r/w 20(ii)(C) and 29(1) of NDPS Act in Crime No.682 of 2020, on the file respondent police, seeks bail.

2. It is evident from the records that the petitioner has filed a direction petition before this Court in Crl.O.P.(MD)No.14227 of 2021 seeking direction to the Special Court for EC and NDPS Cases, Madurai, to expedite the trial in C.C.No.247 of 2020 and to fix the time frame and this Court, vide order dated 23.09.2021, directed the Special Court to expedite the trial and dispose of the same on merits within a period of 6 months from the date of receipt of a copy of that order.

3. It is also not in dispute that subsequently the petitioner has filed an application for bail in Crl.O.P.(MD)No.1453 of 2022 and this Court, by taking note of the fact that the trial was at the fag end, directed the trial Court to complete the trial and dispose of the case as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of that order.



4. The learned Counsel for the petitioner would submit that when the trial was at the fag end, the learned Judge has not completed the trial within the time stipulated by this Court and the learned Judge has addressed a letter to this Court as well as to the Principal District Court to transfer the case to some other Court and that therefore, the petitioner is constrained to approach this Court again for bail.

5. When the matter is taken up for hearing today, the learned Counsel for the petitioner would submit that since the learned trial Judge has received a complaint, she had decided not to proceed with the case and addressed a letter to this Court as well as to the Principal District Court to transfer the above case to some other Court and the learned Counsel has produced a copy of the daily status for the date 17.03.2022, wherein the learned trial Judge has recorded that when the case was pending for arguments, she has received a petition from an Advocate that there are many cases in which directions are passed for speedy trial, but the learned Judge has shown interest in delivering judgment in this case and had done favour to some Advocates and that in view of the allegations, the learned Judge was not interested to proceed further and directed the office to address a letter to the High Court and the Principal District Court for transferring the said case to some other Court.

6. But it is brought to the notice of this Court that earlier, the Judge of the Principal Court for EC and NDPS Act cases was in-charge of II Additional District Judge for NDPS Act cases and that recently this Court has appointed another Judicial Officer to the post of II Additional District Judge for NDPS Act cases. It is also not in dispute that the case is now posted for arguments.

7. Considering the above facts and circumstances and also the stage of the case, this Court is not inclined to grant bail to the petitioner, however, the learned Judge, who is going to assume the office of II Additional District Court for NDPS Act cases, is directed to proceed with the hearing of the arguments and dispose of the case within a period of three weeks from the date of receipt of a copy of this order.

8. With the above directions, the Criminal Original Petition is disposed of.

sd/-
29/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



SSL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE II ADDITIONAL DISTRICT JUDGE
FOR NDPS ACT CASES,
MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7320 of 2022
Date :29/04/2022

SS/VR/SAR:IV/04.05.2022 : 3P/6C