



Crl.R.C(MD) No.680 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.R.C(MD)No.680 of 2022

Leo Rozario

... Revision Petitioner

Vs.

**Senior Intelligence Officer,
Directorate of Revenue Intelligence,
No.22/14, Celin Garden, Roche Colony,
South Beach Road,
Tuticorin-628 001.**

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records and set aside the order dated 21.06.2022 in Crl.M.P.No.1009 of 2022 dismissing the bail petition filed under Section 167(2) of Cr.P.C passed by the Additional District Judge/Presiding Officer/Principal Special Court for EC & NDPS Court Madurai.

**For Petitioner : Mr.Paul Kanagaraj.R.C
For Respondent : Mr.C.Arul Vadivel @ Sekar**



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ORDER

This Criminal Revision Case has been filed to call for the records and set aside the order dated 21.06.2022 in Crl.M.P.No.1009 of 2022, dismissing the bail petition filed under Section 167(2) of Cr.P.C passed by the Additional District Judge/Presiding Officer/Principal Special Court for EC & NDPS Court Madurai.

2. The case of the prosecution is that based on the secret information received by the Directorate of Revenue Intelligence that Cocaine in the form of Power Weighing around 300 Kgs is arriving at Tuticorin Post in Vessel Cotopaxi in Container No.CAXU9986891 on 20.04.2021. The above said container was unloaded in the terminal area. The consignee was M/s.Sri Jeyasakthi Timber Traders, No.1/1020, Courtallam Road, Shencottai. The authorities verified the seal and other particulars in the presents of the two independent witnesses and cut opened the containers. On further inspection and other particulars, they found 9 bags and found the white colour powder like Cocaine. The sample was taken in the presence of the witnesses, on testing it was found to be Cocaine, further process were undertaken and it was found that the above said Cocaine has been illegally transported to India. All the bags were seized and further process were



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undertaken as per the procedure and rules. The final report was taken on file in C.C.No.315 of 2022, on the file of the Additional District Judge/Presiding Officer/Principal Special Court for EC & NDPS Court Madurai.

3. The petitioner filed a bail petition before the Additional District Judge/Presiding Officer/Principal Special Court for EC & NDPS Court Madurai, on the ground that he is entitled for statutory bail under Section 167 (ii) CrI.P.C, and also stated that even statutory period was over, the final report was not filed by the respondent. The trial Judge, by the order dated 21.06.2022, dismissed the application on the ground that the accused was arrested only on 16.04.2022 and the final report was filed 16.05.2022 and taken on file on the same day itself.

4. On perusal of records, I find that within a stipulated period, final report was filed and the request made by the petitioner was rejected for seeking bail. Challenging the same, the present Criminal Revision Petition has been filed.

5. The learned counsel for the petitioner submitted that the order has been passed by the trial Court is illegal and not independent, since no proper final



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report has been filed. Only with a view to deprive the petitioner to get the statutory bail, defective final report has been filed. According to him that defective final report cannot be construed as a proper final report, on that ground his right should not be negated. Apart from that ground other factual grounds has been raised by the petitioner and the same was also refused.

6. The learned counsel for the respondent submitted that this scope of revision filed only from limited contained only illegality order that has been passed by the Sub Court, so the factual questions cannot be taken into consideration. But however to set their records right the factual ground may also taken into consideration.

7. The final report does not suffer from any defective, the first accused is shown as absconded accused that cannot be construed as defective one and within 6 months, the above said complaint has been filed. So the contention on the part of the petitioner that only defective final report has been filed is not at all correct.



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8. The learned counsel for the petitioner submitted that the petitioner was worked in Sri Jeyasakthi Timber Traders as employee and he watched the arrival of the consignment except that he was not aware of the consignment. According to him, he was wrongly roped in this case. Such sort of defence taken into consideration in the preliminary stage and this is a matter for trial.

9. In view of the above, I do not find any illegality or infirmity in the order passed by the trial Court and no interference can be called for by this Court by way of this revision. Therefore, this revision is liable to be dismissed.

In the result, the Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

14.11.2022

Index : Yes/No

Internet : Yes/No

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To:-

Additional District Judge/Presiding Officer/Principal Special Court for EC & NDPS Court Madurai.

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G.ILANGO VAN,J

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**ORDER MADE IN
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