



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.20626 of 2021

and

Crl.M.P. (MD)Nos.11730 and 17731 of 2021

WEB COPY

V.Lakshmanan

... Petitioner/Accused No.9

Vs.

1.The Deputy Superintendent of Police,

NIB CID,

Madurai District.

(Crime No.106 of 2013)

... 1st Respondent/Complainant

2.R.Madhan,

Inspector of Police,

NIB CID,

Madurai District.

... 2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned charge sheet in C.C.No.45 of 2016 on the file of the Additional Principal Special Court for EC & NDPS Act Cases, Madurai and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.AN.Ramanathan

For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor.

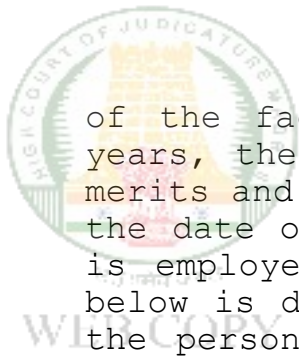
O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

2.This criminal original petition has been filed to quash the proceedings in C.C.No.45 of 2016 on the file of the Additional Principal Special Court for EC & NDPS Act Cases, Madurai.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. As rightly pointed out by the learned Additional Public Prosecutor for the respondents, in view of the contentious nature of the facts involved, it is not open to this Court to exercise its inherent powers in this case.

4.Leaving open the petitioner's defences and contentions, this criminal original petition stands dismissed. However, taking note



of the fact that the prosecution is pending for more than five years, the learned Trial Judge is directed to conclude the case on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. Since the petitioner is employed as Haisldar, his personal appearance before the Court below is dispensed with. However, the Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, for examination under Section 313 of CrPC and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing with the personal appearance of the petitioner will stand automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Additional Principal Special Court
for EC & NDPS Act Cases,
Madurai.
- 2.The Deputy Superintendent of Police,
NIB CID,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.20626 of 2021
10.01.2022

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