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CrI.O.P.No.1352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

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THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.1352 of 2023

Warren Graig Ghani

...Petitioner

Vs.

State by,
The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai – 600 077.
R.R.No.4 of 2019

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to set aside the order passed by the Principal Special Court for NDPS Act Cases at Chennai in CrI.M.P.No.5632 of 2022 dated 09.11.2022.

For Petitioner : Mr.N.Dharanikumar
For Respondent : Mr.N.P.Kumar
Special Public Prosecutor - for NCB Cases

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the Principal Special Court for NDPS Act Cases at Chennai in CrI.M.P.No.5632 of 2022 dated 09.11.2022.



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2. Learned counsel for the petitioner submitted that, the petition filed under Section 311 of Cr.P.C to recall PW1, PW3, PW4, PW5, PW7 and PW8, for the purpose of further cross examination was dismissed by the Principal Special Court for NDPS Act Cases Chennai. He further submitted that certain aspects have to be clarified with these witnesses and therefore, he filed petition under Section 311 Cr.P.C. Without considering the claim of the petitioner, the petition was dismissed, necessitating filing of this petition.

3. There is no representation for the respondent.

4. However, this Court perused the records and it is seen from the Order passed by the learned trial Judge that, witnesses have been cross examined at length by the earlier counsel for the accused. It is stated that, the present counsel had come by way of change of vakalat and again he filed a petition for recalling of these witnesses, for the purpose of further cross examination. It is specifically observed that change of vakalat and filing of petitioner for recalling are intended for dragging the proceedings.



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5. This Court, on going through the records and orders of learned trial Judge, is of the view that, giving change of vakalat and filing recall petition for recalling multiple witnesses for the purpose of cross examination, when they had already been effectively cross examined in length, is nothing but an exercise intended to drag the proceedings.

6. In view of the above, there is no reason to interfere with the Order of the trial Judge. Therefore, the Order of Principal Special Court for NDPS Act Cases, Chennai in Crl.M.P.No.5632 of 2022 dated 09.11.2022 is confirmed. Accordingly, this Criminal Original Petition is dismissed, with a direction to the Principal Special Court for NDPS Act Cases, to dispose of the case as early as possible.

24.01.2023

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Index:Yes/No

Speaking Order: Yes/No



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G.CHANDRASEKHARAN.J.,

gd

To

- 1.The Principal Special Court for NDPS Act Cases,
Chennai.
- 2.The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai – 600 077.
- 3.The Public Prosecutor,
Madras High Court.

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24.01.2023