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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Criminal Appeal No.678 of 2015

1. Mathan @ Mathanraj
2. Eswar @ Pandeewaran .. Appellants /Accused 1 and 3
Vs.

State by

The Deputy Superintendent of Police,
Chengai Sub Division,
D-4 Otteri Police Station,
Kancheepuram District ..

Respondents/Complainant

Appeal filed under section 374(2) of Code of Criminal Procedure, to call for the records pertaining to the judgement rendered by the learned 1st Additional Special Court for EC and NDPS Act case and Principal Sessions Judge, Chennai has passed an order in C.C.No.43 of 2012 vide his judgement dated 12.09.2014 by convicting both the appellants under Section 8(c) r/w 20 (b) (ii) (c) of NDPS Act and sentenced them to undergo 10 years RI and to pay a fine of Rs.1,00,000/- each in default to undergo two months RI and set aside



the same and consequently, acquit the appellants.

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For Appellant : Mr.K.Shivakumar
Legal aid counsel (A1 and A3)

For Respondent : Mr.L.Baskaran
Government Advocate
[Crl. Side] for R1

JUDGMENT

This Criminal appeal was filed against the judgement and order passed by the learned First Additional Special Court for EC and NDPS Act cases and Principal Special Judge, Chennai in C.C.No.43 of 2012, dated 12.09.2015 convicting and sentencing the appellants (A1 and A3) for an offence under Section 8(c) r/w Section 20(b) (ii) (c) of the NDPS Act and sentenced them to undergo Rigorous Imprisonment for 10 years each and to pay a fine of Rs.1,00,000/- each and in default to undergo two months Rigorous imprisonment.

2. The appellants were acquitted from the charge under

Section 8 (c) r/w Section 29 of the NDPS Act. The Court below



also directed the period already undergone by the appellants to be set off under Section 428 of Cr.PC.

3. When the matter came up for hearing on 22.02.2023, this Court passed the following order :-

When the matter was taken up for hearing on 05.01.2023, there was no representation on the side of the appellants. It is seen from records that the appellants were arrested and imprisoned from 04.05.2012 onwards. The Court below had convicted the appellants for offence under Section 8(c) r/w Section 20(b)(ii)(C) of the NDPS Act and sentenced each of the appellant to undergo 10 years Rigorous Imprisonment and to pay fine of Rs.1,00,000/- each and in default to undergo 2 months Rigorous Imprisonment. It is not known as to whether the appellants have already undergone the sentence.

2.The learned Government Advocate is directed to immediately take instructions from the Superintendent of Prisons, Central Prison, Puzhal as to whether the appellants have already undergone the entire period of sentence.

3.Post these Criminal Appeals under the caption "for orders"on 01.03.2023.



4. When the matter was taken up for hearing today, the learned Government Advocate produced the written instructions received from the Superintendent of Prisons, Central Prison, Puzhal. The details that are provided in the written instructions are extracted hereunder :-

<i>Sl.No.</i>	<i>CT No.Name and Father's Name</i>	<i>Police Station Cr. No.</i>	<i>Trial Court and Conviction details</i>	<i>Sentence</i>	<i>Date of Admission in prison</i>	<i>Date of release on expiry of sentence</i>
1.	No.6029 Madhan @ Madhan Raj S/o. Karnan	D-4 Otteri Police Station Cr.No.287 of 2012	I Additional Special Judge for EC and NDPS Act cases C.C.No.43/2012	U/s.8(c) r/w.20(b) (ii) (c) of NDPS Act – Rigorous Imprisonment for 10 years and fine Rs.1,00,000/- i/d Rigorous Imprisonment for 2 months and the period undergone by the prisoner in remand was ordered to be set-off [04.05.2012 to 11.09.2015]	12.09.2015	04.07.2022
2.	No.6031 Pandeewaran @ Eswar S/o.Mayan				12.09.2015	09.07.2022

5. It is clear from the above that the appellants have already undergone the entire sentence and they have been released after the



expiry of the sentence.

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6. In the light of the above development, there is no need for this Court to go into the merits of the case and the written instructions received from the concerned authority and the submissions made by the learned Government Advocate is recorded and this Criminal Appeal stands closed.

01.03.2023

Internet : Yes/No

Index : Yes / No

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To

1. The I Additional Special Judge for NDPS and EC Act cases, Chennai
600 104.

2. The Public Prosecutor
High Court, Madras.



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6

N.ANAND VENKATESH.,J

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Crl.A.No.678 of 2015

01.03.2023