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Crl.O.P.No.5202 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.5202 of 2021

and

Crl.M.P.No.3347 of 2021

Jayaraj

... Petitioner / A4

-Vs-

The State Rep. by
The Inspector of Police,
NIB CID, Chennai.
(Crime No.24 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.34 of 2011 on the file of the I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai. and to quash the same.

For Petitioner

: Mr. Shanmugavelayutham,

Senior Counsel.

For Mr. R. T. Vijayaraagahavan

For Respondent

: Mr. S. Balaji,
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.34 of 2011 on the file of the I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai.

2.The learned Senior Counsel for the petitioner submitted that there is absolutely no legally admissible evidence as against the petitioner, except for the confession of co-accused, which was given to the respondent police. The learned Senior Counsel further submitted that though A1 and A2 were tried and convicted, the other accused A5 was acquitted on the ground that, there is no evidence except for the confession of the co-accused. The learned Senior Counsel submitted that the petitioner stands on the same footing and hence the case against him is liable to be quashed.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that this petitioner has not appeared before the trial Court and he has been declared as a proclaimed offender, since he is absconding from the year 2016 onwards. He further submitted that the case against him was split up. Hence, he prayed for dismissal of the quash petition.

4.This Court, without going into the merits of the contentions



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raised by the learned Senior Counsel, is of the view that since the petitioner has been absconding for more than six years, no indulgence can be shown to him in this quash petition. It is for the petitioner to appear before the trial Court and seek appropriate remedy to lift the proclamation order issued against him.

5.However, the petitioner is at liberty to raise all the contentions before the trial Court. The trial Court shall expedite the trial and conclude it within a period of six months from the date of receipt of a copy of this order.

6.With the above observations, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

12.06.2023

smv

Index : Yes/No

Neutral Citation : Yes/No

Speaking order : Yes/No



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To,

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- 1.The Inspector of Police,
NIB CID, Chennai.
- 2.The I Additional District Judge,
Special Court for Exclusive Trial of cases under NDPS Act, Chennai.
- 3.The Public Prosecutor,
High Court of Madras.

SUNDER MOHAN,J.

smv



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