



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19124 of 2023
and Crl.MP.No.12816 of 2023

Edwinraj

Petitioner

vs.

State rep by
Rep. By The Inspector of Police
Kavarapettai Police station
Thiruvallur-1.

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in pursuant to the CC No.187 of 2022 on the file of the 1st Additional Special Court under NDPS Act against the Petitioner.

For Petitioner : M/s. Mr.T. Gowtham,
Senior counsel for
Mr.N.Nisar Ahamed
For Respondent :Mr. A. Gopinath,
Government Advocate

**ORDER**

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This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 8(c) r/w. 20 (b) (ii) (c), 25, 29(1) of NDPS Act.

2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in CC No.187 of 2022 on the file of 1st Additional Special Court under NDPS Act within a period of four months from the date of receipt of a copy of this order. The trial shall be conducted on a



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day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petition is closed.

29.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
rka

To

1. The Inspector of Police
Kavarapettai Police station
Thiruvallur-1.

2. The Public Prosecutor,
High Court, Madras



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N. ANAND VENKATESH, J.
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