



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **13.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.15635 of 2023

Kaleeshwaran @ Kalam Kali

... Petitioner

Vs.

The Inspector of Police,
Keerathurai Police Station,
Madurai District.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the impugned order in Cr.M.P.No.1404 of 2023 in C.C.No.324 of 2021 dated 18.07.2023 on the file of the I Additional Special Court for EC and NDPS Act Cases, Madurai.

For petitioner : Mr.V.A.Dhana Aravindh Balaji
for M/s.Dhana Law Associates
For Respondent : Mr.S.Ravi
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the impugned order in Cr.M.P.No.1404 of 2023 in C.C.No.324 of 2021 dated 18.07.2023 on the file of the I Additional Special Court for EC and NDPS Act Cases, Madurai.



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2.The petition under Section 91 of Cr.P.C., was filed by the petitioner before this Court in Crl.M.P.No.1404 of 2022. That came to be dismissed by this Court on the ground that it is filed after a lapse of time and CDR and SDR details may get automatically deleted, there was no question of retrieving the aforesaid document and produce before the trial Court. Apart from that, the other factual aspects have also been brought notice to the trial Court as well as this Court.

3.The learned Additional Public Prosecutor submitted that inspite of the repeated chances given to the petitioner, he has not chosen even to produce the defence side witness. One after another or adopting dilatory tactics, by approaching this Court repeatedly seeking one or another relief, he had simply dragged on the proceedings. Inspite of repeated directions issued by this Court, the trial could not be completed.

4.No doubt, the petitioner has got every right to prove his innocence before the trial Court. They cannot drag the proceedings endlessly by setting out one or other reason. The petitioner cannot expect the prosecution to prove his innocence by way of retrieving the above said documents. The petitioner can work out his remedy through



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the concerned forum only. This Court cannot grant the relief sought for by the petitioner in the above said facts. I absolutely, find no reason to allow this petition. This petition deserves to be dismissed.

5.In view of the above, this petition stands dismissed with the above said liberty.

13.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No

vsg

To

1.I Additional Special Court
for EC and NDPS Act Cases, Madurai.

2.The Inspector of Police,
Keerathurai Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN. J.

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