



CrI.R.C.(MD)No.170 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C.(MD)No.170 of 2017

and

CrI.M.P(MD) No.1605 of 2017

Jairanga K @ Saravanan

... Petitioner

Vs.

Intelligence Officer,
Narcotics Control Bureau
Madurai Sub Zone,
Madurai.

... Respondent

PRAYER : This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records pertaining to the order passed by the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukkottai in Cr.M.P.No.1046 of 2015 in C.C.No.50 of 2015 vide his order dated 12.01.2017 and set aside the same and consequently discharge the petitioner from all the charges referred to in the above said case.



CrI.R.C.(MD)No.170 of 2017

For Petitioner : Mr.R.Anand

For Respondent : Mr.C.Arul Vadivel @ Sekar
Standing Counsel
for Mr.Sankara Pandian

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukkottai, in Cr.M.P.No.1046 of 2015 in C.C.No.50 of 2015 vide his order dated 12.01.2017 and consequently discharge the petitioner from all the charges referred to in the above said case.

2. The petitioner is an accused in C.C.No.50 of 2015 on the file of the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukkottai, for the offences under Sections 8(C) r/w 20(b)(ii)(c) and 28 of NDPS Act, 1985. The petitioner filed a petition for discharge on the ground that if really on 30.03.2015 he tried to transfer 2 kgs of Hasish, the Chemical Report would not have been bearing a different contraband as Cannabis(Ganja). Whereas the respondent, even as per the alleged information, has come



forward to note that as if the petitioner has got a plant of receiving two kilo grams of Hasish. Further the confession statement allegedly recorded by the respondent under Section 67 of the NDPS Act also consisting of a version as if the petitioner has got an attempt to transport Hasish, a narcotic drug. The out come of the chemical report thrashes out the case of the respondent which were tried to be elicited through the secret information recorded and the statement of the petitioner under Section 67 of NDPS Act. Further the statement recorded under Section 67 NDPS Act also cannot be acted upon in view of the reason that it has been suitable retracted by the petitioner by giving a categorical letter to the Trial Court on the date of his remand. All these grounds raised by the petitioner can be considered during the trial. Since all the materials are very much available in order to frame the charges for the offence under Sections 8(C) r/w 20(b)(ii)(c) and 28 of NDPS Act, 1985, the trial Court dismissed the petition.

3. Therefore, this Court is not inclined to discharge from the charges on the ground raised by the petitioner, since all the grounds raised by the petitioner have to be gone into by full-fledged trial. Hence, the Court below rightly dismissed the petition and this Courts finds no infirmity or illegality in the order passed by the Court below.



Accordingly, this Criminal Revision Case is dismissed. The learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukkottai, is directed to complete the trial within a period of three months from the date of receipt of a copy of this order, if not already completed. Consequently, connected miscellaneous petition is closed.

07.03.2023

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

To

- 1.The Additional District and Sessions Judge/Presiding Officer,
Special Court for EC and NDPS Act Cases, Pudukkottai.
- 2.The Intelligence Officer,
Narcotics Control Bureau
Madurai Sub Zone,
Madurai.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN , J.,

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