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CrI.O.P.No.5488 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.5488 of 2024

And

CrI.M.P.No.4009 of 2024

Kumar

... Petitioner

Vs.

Inspector of Police,
NIB/CID Kancheepuram
Crime No.5 of 2023.

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records and quash the charge sheet in C.C.No.626 of 2023 pending on the file of the Principal Judge, Special Court for EC and NDPS Act, Chennai.

For Petitioner : Mr.V.K.Sathiamurthy
For Respondent : A.Gopinath
Government Advocate (CrI. Side)

O R D E R

This criminal original petition has been filed challenging the proceedings initiated by the respondent against the petitioner under



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Section 8(c) r/w.20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2.The grounds raised by the counsel for the 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 C.C.No.626 of 2023, within a period of three months from the date of receipt of a copy of this order. The trial shall be conducted on a 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 (CrI) 288 SC]***. If the petitioner adopt 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



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Court in ***State of Uttar Pradesh vs. Shambhu Nath Singh (JT 2001 (4) SC 3191)***. Consequently, the connected miscellaneous petition is closed.

07.03.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Principal Judge,
Special Court for EC and NDPS Act,
Chennai.
- 2.The Inspector of Police,
NIB/CID Kancheepuram
Crime No.5 of 2023.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N.ANAND VENKATESH,J.
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