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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.22832 of 2023

A.Allaudeen @ Abdul Rahim Allaudeen

... Petitioner

Vs.

The Senior Intelligence Officer
Directorate of Revenue Intelligence
Chennai.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records and quash the case in RR.No.16/2019, pending on the file of the Additional Chief Metropolitan Magistrate, E.O.II, Egmore, Chennai.

For Petitioner : Mr.Mr.R.Shek Abdul Rahim

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor

ORDER

This petition has been filed challenging the remand report in R.No.16/2019, dated 7.5.2019, pending on the file of the learned Additional Chief Metropolitan Magistrate, E.O.II, Egmore, Chennai.



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2.Heard Mr.Mr.R.Shek Abdul Rahim, learned counsel for the petitioner and Mr.N.P.Kumar, learned Special Public Prosecutor for the respondent.

3.This criminal original petition was filed on the ground that the petitioner had applied for a passport and it was kept pending on the ground that criminal proceedings have been initiated against the petitioner by the respondent. Hence, the petitioner proceeded further and challenged the remand report on the premise that it will tantamount to challenging the criminal proceedings.

4.When the matter was taken up for hearing, the learned Special Public Prosecutor appearing on behalf of the respondent submitted that based on the voluntary statement given by the petitioner in the course of enquiry, the investigation officer of DRI, Chennai issued an arrest memo and the petitioner was produced before the learned Additional Chief Metropolitan Magistrate, E.O.II, Egmore, Chennai for remand and the petitioner was also remanded to judicial custody. The learned Special Public Prosecutor further submitted that show cause notice has been issued to the petitioner on 4.11.2019 and till date, there has been no co-operation on the side of the petitioner and therefore, adjudication proceedings are pending.



5.The learned counsel for the petitioner submitted that the passport has been issued to the petitioner. However, since some proceedings are pending against the petitioner, the petitioner had to challenge the remand report which was the only document that was available with the petitioner.

6.In the considered view of this Court, the petitioner has already been arrested and remanded to judicial custody and he was also enlarged on bail. Hence, challenging the remand report of the year 2019 in the year 2023 is like whipping a dead horse. No useful purpose will be served in questioning the remand report at this length of time. If any further proceedings are initiated against the petitioner in the course of adjudication and the petitioner is aggrieved by the same, it is left open to the petitioner to workout his remedy in the manner known to law. Except giving this clarity, no further orders can be passed in this criminal original petition.

7.This criminal original petition is disposed of accordingly.

15.02.2024

KP
Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No



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N. ANAND VENKATESH, J.

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To

- 1.The Senior Intelligence Officer
Directorate of Revenue Intelligence
Chennai.
- 2.Additional Chief Metropolitan Magistrate
E.O.II, Egmore, Chennai.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

Crl.O.P.No 22832 of 2023

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