



WEB COPY



Crl.O.P.No.19239 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19239 of 2023

and

Crl.M.P.Nos.12939 and 12941 of 2023

K.Lalith Kumar

... Petitioner

Vs.

1. The State,
Represented by its Inspector of Police,
T7-Tank Factory Police Station,
Vellanoor, Avadi,
Chennai - 600 062.

2. Shanmugam,
Sub-Inspector of Police,
T7-Tank Factory Police Station,
Vellanoor, Avadi,
Chennai - 600 062.

... Respondents



Crl.O.P.No.19239 of 2023

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records in C.C.No.280 of 2023 on the file of the Special Court under EC & NDPS Act, Chennai - 600 104 and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.M.Mohammed Hamza Ameer

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.280 of 2023 on the file of Special Court under EC and NDPS Act, Chennai - 600 104.

2. The grounds raised by learned counsel for 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. The facts of this case and grounds raised in the quash petition do not fall within the parameters laid down by the Apex



Crl.O.P.No.19239 of 2023

Court in *State of Haryana and others v. Bhajanlal and others [(1992)*

Suppl (1) SCC 335]. 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 disposed of with a direction to the Court below to complete the proceedings in C.C.No.280 of 2023 on the file of the Special Court under EC & NDPS Act, Chennai within a period of three (3) months from the date of receipt of a copy of this order.

4. 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 (Crl) 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



Crl.O.P.No.19239 of 2023

WEB COPY

of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petitions are closed.

26.02.2024

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

vji



Crl.O.P.No.19239 of 2023

WEB COPY

To

1. The Inspector of Police,
T7-Tank Factory Police Station,
Vellanoor, Avadi,
Chennai - 600 062.
2. The Sub-Inspector of Police,
T7-Tank Factory Police Station,
Vellanoor, Avadi,
Chennai - 600 062.
3. The Public Prosecutor,
High Court,
Madras.



WEB COPY



Crl.O.P.No.19239 of 2023

N.ANAND VENKATESH, J.

vji

**Crl.O.P.No.19239 of 2023
and
Crl.M.P.Nos.12939 and 12941 of 2023**

26.02.2024