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Crl.R.C.(MD)No.65 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C(MD)No.65 of 2024
and
Crl.M.P.(MD).No.809 of 2024

Saba @ Sabarathinam

... Petitioner

Vs.

The State Rep., by its
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.96 of 2021)

... Respondent

PRAYER : Criminal Revision Case is filed under Section 397 and 401 of Cr.P.C, to set aside the order in Cr.M.P.No.3766 of 2023 in C.C.No.91 of 2022 dated 03.01.2024 on the file of the learned Additional District Sessions Judge, Special Court for EC and NDPS, Pudukkottai, by allowing this revision petition.

For Petitioner : Mr.J.Vijayaraja

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

This criminal revision case is filed to set aside the order passed in Cr.M.P.No.3766 of 2023 in C.C.No.91 of 2022 dated 03.01.2024 on the file of the learned Additional District Sessions Judge, Special Court for EC and NDPS, Pudukkottai.

2. The gist of the case is that on 28.01.2021, at about 22.00, when the police official was engaged in the vehicle checkup at the place of occurrence, the fifth accused was travelled in a car along with the eighth accused and the police intercepted the said vehicle and found that they had 90 kgs of ganja in the said car. Based on the confession statement made by A5-Periyakaruppan, the present case was registered against accused persons including the petitioner. After completing the investigation, the final report was filed by respondent police, which did not disclose any linking materials about the involvement of the petitioner in the present case and no contraband was seized from the petitioner. Hence, the petitioner filed a discharge petition under Section 227 of Cr.P.C before the learned Additional District Sessions Judge, Special Court for EC and NDPS, Pudukkottai. The said petition was mechanically dismissed based on the counter affidavit filed by the



respondent police. Challenging the same, the present revision is filed by the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is arrayed as A6 and he was implicated in the case in C.C.No. 91 of 2022. He further submitted that the petitioner is no way connected to the present case and except the confession statement of the co-accused, the prosecution had not produced any single piece of evidence to prove the case against the petitioner. There is no averments or documents placed to point out the conspiracy with the confessed spot accused.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are four similar cases pending against the petitioner and apart from that, more than 15 IPC offence cases are pending against the petitioner. The petitioner is a habitual offender. Based on the confession statement of the co-accused, this petitioner was implicated in this case and the said issue was rightly appreciated by the trial Court and the discharge petition was rightly dismissed, which cannot be interfered with.



5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. The petitioner allegedly involved in the illegal transportation of commercial quantity of 90 kgs ganja, for which the respondent police registered a criminal case against the petitioner and filed a charge sheet in C.C.No.91 of 2022 on the file of Additional District and Sessions Judge, Special Court for EC and NDPS Act cases, Pudukottai. During the pendency of the case, the petitioner filed a discharge petition under Section 227 of Cr.P.C before the trial Court. The said petition was dismissed by the trial Court.

7. On perusal of the dismissal order of the trial Court, it could be seen that the petitioner claimed that there are no evidence regarding his involvement in the offence and no incriminating material available to link the petitioner with the other accused persons. However, on the contrary, the prosecution case stated that the prosecution is able to prove the charges against the petitioner at the time of trial. The confession of the co-accused revealed that they did involve in similar offence with Murugapandi and the similar case also pending against the petitioner along with other accused persons.



8. Admittedly there are four similar cases are pending against the petitioner and apart from that, 15 IPC offence cases are pending against the petitioner. The petitioner is arrayed as A6 in the present case and eight accused persons are involved in this case. Expressing any opinion on the merits of the case would adversely affect the interest of the petitioner as well as the prosecution.

9. In view of the above, this Court is not inclined to interfere with the order passed by the trial Court. Accordingly, this Civil Revision Petition is dismissed. Liberty is granted to the petitioner to canvass all the points before the trial Court. The trial Court is directed to dispose of the case in C.C.No.91 of 2022 at the earliest and the prosecution is also directed to produce the necessary witnesses before the trial Court without seeking any adjournments. Consequently, connected miscellaneous petition is closed.

29.01.2024

Index : Yes/No
Internet : Yes/No
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- 1.The Additional District Sessions Judge,
Special Court for EC and NDPS, Pudukkottai.
- 2.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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Crl.O.P.(MD)No.65 of 2024

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