



Crl.R.C.(MD).No.634 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 28.06.2024

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD).No.634 of 2024
and
Crl.M.P(MD).Nos.6472 and 6473 of 2024

1.A.Eswaran

2.Thirumalai Pharmaa

3.R.Ramesh

4.V.Navajeevan

... Petitioners

Vs.

State represented by
Drug Inspector,
Theni Range, Madurai Zone,
O/o.Assistant Director of Drugs Control,
No.5, Ramiah Street,
Shenoy Nagar,
Madurai-20

... Respondent

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records from the lower Court and to set aside the order passed in Crl.M.P.No.850 of 2024 dated 05.04.2024 in S.C.No.19 of 2024 pending on the file of the learned Additional District Court (FTC), Theni, by allowing this Criminal Revision Petition and consequently discharge the petitioners from the pending criminal case.



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For Petitioners : Mr.K.Kathiresan
For Respondent : Mr.Nambiselvan
Additional Public Prosecutor

ORDER

This petition has been filed to call for the records from the lower Court and to set aside the order passed in Crl.M.P.No.850 of 2024 dated 05.04.2024 in S.C.No.19 of 2024 pending on the file of the learned Additional District Court (FTC), Theni and consequently discharge the petitioners from the pending criminal case.

2. The petitioners are the accused in S.C.No.19 of 2024 on the file of the Additional District Court (FTC), Theni. During the pendency of the S.C.No.19 of 2024, the petitioners have filed a petition in Cr.M.P.No.850 of 2024 seeking discharge from S.C.No.19 of 2024.

3. After hearing both sides counsel, the learned trial Judge dismissed the discharge petition. Challenging the above said order, this Criminal Revision Case has been filed.



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4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they are no way connected with the offences alleged against the petitioners and the respondent police without verifying the same has foisted the above false case.

5. The learned Additional Public Prosecutor appearing for the respondent police submit that the learned trial Judge after considering all the facts and circumstances of this case only passed the above said order. Hence, he prayed for dismissal of this petition.

6. Heard both sides and perused the materials available on record.

7. After hearing the both side, when this court expressed its inability to entertain the revision and allow the discharge petition filed by the petitioner for the reason that a prima facie case is made out to frame the charges, the counsel for the petitioner made a request before this court to permit him to raise all the points before the Learned Trial Judge, and issue a direction to the Learned Trial judge to dispose the case within a time frame and also seeks indulgence of this court to consider that the appearance before the trial court may be dispensed



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with. This Court considering the said request, dispose the revision with the following direction:

7.1. The Learned Additional District Judge (FTC), Theni is directed to dispose the S.C.No. 19 of 2024 within a period of six months from the date of othe receipt of copy of this order.

7.2. Considering the allegation that the petitioners are said to have committed offence under the drug control order, inclined to pass order dispensing with the appearance on the following conditions :

1. The learned Additional District Court (FTC), Theni, is directed to dispose the case in S.C.No.19 of 2024, within a period of six months from the date of receipt of a copy of this order.
2. The petitioners are directed to raise all their points before the trial Court.
3. The appearance of the petitioners are hereby dispensed with before the trial Court on all hearing dates except the following hearings:

(i) The date of funishing copies under Section 207 Cr.P.C., and initial questioning to answer the charges;

(ii) The date of questioning under Section 313 Cr.P.C;

(iii) On the date of Judgement.



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- 3.1. The petitioners are directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates.
- 3.2. The petitioners shall not dispute the identity of the witnesses.
- 3.3. The petitioners shall appear before the Court in the event their presence is insisted by the trial Judge for the purpose of identification.
- 3.4. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India in the case of *State of Uttar Pradesh Vs. Shambunath Singh*, reported in **2001 (4) SCC 667**.

9. With the above directions, this Criminal Revision Case is disposed of.

Crl.M.P(MD).No.6473 of 2024 is allowed and Crl.M.P(MD).No.6472 of 2024 is closed.

28.06.2024

Index : Yes / No
Internet : Yes / No
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1. The Additional District Court (FTC), Theni.
2. The Drug Inspector,
Theni Range, Madurai Zone,
O/o.Assistant Director of Drugs Control,
No.5, Ramiah Street,
Shenoy Nagar,
Madurai-20.



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K.K.RAMAKRISHNAN, J

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