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CRL OP(MD). Nos.11361 to 11363 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD).Nos.11361 to 11363 of 2024

CRL OP(MD)No.11361 of 2024:

Gunasekaran @ Guna

... Petitioner

Vs

The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.189 of 2022)

... Respondent

Prayer : Criminal Original Petition filed under Section 528 BNSS, directing the learned District and Sessions Judge for EC and NDPS Act Cases, Madurai District to complete the trial and dispose of the case on C.C.No.309 of 2023 pending on his file within a time limit as fixed by this Court.

CRL OP(MD)No.11362 of 2024:

Gunasekaran @ Guna

... Petitioner

Vs



CRL OP(MD). Nos.11361 to 11363 of 2024

The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.186 of 2022)

... Respondent

Prayer : Criminal Original Petition filed under Section 528 BNSS, directing the learned District and Sessions Judge for EC and NDPS Act Cases, Madurai District to complete the trial and dispose of the case on C.C.No.1014 of 2022 pending on his file within a time limit as fixed by this Court.

CRL OP(MD)No.11363 of 2024:

Gunasekaran @ Guna

... Petitioner

Vs

The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.

... Respondent

Prayer : Criminal Original Petition filed under Section 528 BNSS, directing the learned District and Sessions Judge for EC and NDPS Act Cases, Madurai District to complete the trial and dispose of the case on C.C.No.298 of 2019 pending on his file within a time limit as fixed by this Court.



CRL OP(MD). Nos.11361 to 11363 of 2024

(In all Writ Petitions):

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For Petitioner : Mr.S.Balaji

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

COMMON ORDER

These criminal original petitions have been filed as against the learned District and Sessions Judge for EC and NDPS Act Cases, Madurai District, to conclude the trial in C.C.Nos.309 of 2023, 1014 of 2022 and 298 of 2019.

2.The learned Counsel for the petitioner submits that the petitioner was arrested on 15.05.2022. Considering the quantity involved, the bail was denied and he is languishing in jail from 15.05.2022. He further submits that in all the cases, final report have already been filed and the same is pending for trial. However, the trial Court has not proceeded with the trial so far.

3.The learned Additional Public Prosecutor on instruction from the respondent police submits in all the cases, final reports have been filed.



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In CC.No.309 of 2023, the case is adjourned to 02.08.2024 for examination of the witnesses. A2 in CC.No.309 of 2023 is absconding and therefore, non-bailable warrant is pending against him. In CC No. 1014 of 2022, the case is adjourned to 09.08.2024 for framing charges and A3 is absconding and therefore, non-bailable warrant is pending against him. In CC.No.298 of 2019, the case is adjourned to 28.07.2024 for further hearing and the summons are yet to be served to A3 and A4 and A2 is absconding and therefore, non-bailable warrant is pending against him.

4.This Court considered the rival submissions made.

5.All the cases pending as against the petitioner are under the NDPS Act. The quantity involved in all the cases is also commercial in nature and therefore, the bail application filed by the petitioner herein was dismissed as per the provision under Section 37 of NDPS Act. Admittedly, the petitioner is in jail from 2022 onwards. When the bail is denied by the Court, it is responsibility of the respondent police and the trial Court to conclude the trial as expeditiously as possible. The trial cannot be proceeded without the appearance of the accused and



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therefore, the respondent police are directed to secure the accused in CC Nos.309 of 2023, 1014 of 2022 and 298 of 2019, within a period of eight weeks from the date of receipt of a copy of this order.

6.The trial Court shall address a letter to the Commissioner of Police enclosing a copy of this order and shall ensure that the non-bailable warrant pending as against the accused are executed as early as possible. The trial Court shall conclude the trial within a period of period of six months from the date of receipt of a copy of this order.

7.With the above said direction, these Criminal Original Petitions are disposed of.

24.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes

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To:
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1. The District and Sessions Judge for EC and NDPS Act Cases,
Madurai District.
2. The Inspector of Police,
Othakadai Police Station,
Madurai District.
3. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
4. The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
Crl.O.P.(MD)Nos.11361 to 11363 of 2024

24.07.2024