



Crl.O.P.(MD)No.13896 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13896 of 2024

Saba @ Sabarathinam

... Petitioner

Vs.

The Inspector of Police,
Subramaniapuram Police Station,
Madurai, Madurai District.
(Crime No.1453 of 2020)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned I Additional District Judge for NDPS Act, Madurai, Madurai District to dispose the Cr.M.P.No.1075 of 2024 in C.C.No.244 of 2022 on the file of learned I Additional District Judge for NDPS Act, Madurai, Madurai District within the stipulated time.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Government Pleader

ORDER

This Criminal Original Petition has been filed, invoking Section



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528 B.N.S.S., seeking orders to direct the learned I Additional District Judge for NDPS Act, Madurai, Madurai District to dispose the Cr.M.P.No.1075 of 2024 in C.C.No.244 of 2022 within the stipulated time.

2. The learned counsel appearing for the petitioner would submit that the petitioner/fourth accused has filed a petition under Section 311 Cr.P.C. seeking permission to cross-examine P.W.1, P.W.2, P.W.3 and P.W.5 and the same was taken on file in Cr.M.P.No.1075 of 2024 and is pending. He would further submit that the learned Judge before deciding the petition filed under Section 311 Cr.P.C. has directed the petitioner's counsel to canvass arguments in the main case.

3. As rightly pointed out by the learned Additional Public Prosecutor appearing for the respondent, arguments on the side of the accused 6, 7 and 9 were already heard on 14.08.2024 and on that day itself, written arguments for the said accused came to be filed and the case stands posted for arguments on the side of the accused 1 to 5.



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4. Since the learned Judge has taken the petition filed under Section 311 Cr.P.C. without passing any order, he cannot proceed with the arguments. Hence, the learned I Additional District Judge for NDPS Act, Madurai, Madurai District is directed to pass orders in Cr.M.P.No. 1075 of 2024, which now stands posted for orders on 27.08.2024 and then to proceed with the main case.

5. With the above direction, this Criminal Original Petition stands disposed of.

23.08.2024

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

Note : Issue order copy on 30.08.2024

To

- 1.The I Additional District Judge for NDPS Act,
Madurai, Madurai District.
- 2.The Inspector of Police,
Subramaniapuram Police Station,
Madurai, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.13896 of 2024

Dated: 23.08.2024