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CRL OP No. 7500 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP No. 7500 of 2025

in

CRL A SR No.9084 of 2025

1. The Superintendent Of Customs,
RSI, Air New Custom House,
Meenambakkam, Chennai - 600 027.

Petitioner(s)

Vs

1. RUBAMANIKANDAN
S/o.Murugan, No.888
M3, Srhimanikandan Bhavanam,
38 Street, North Rahamath Nagar,
Palayam Kottai, Tirunelveli.

2.Joy Vigegus
S/o.Leo Robert Viegus, 2-91-b,
Jasmine Villa, Kanchady Post,
Derebail, Mangalore.

Respondent(s)



PRAYER: This Criminal Original Petition filed under Section 378 of Cr.P.C., and 419 of BNSS 2023, to grant special leave to the appellant to prefer an Appeal against the order of acquittal passed under Section 248(1) of Cr.P.C., for the offence U/Sec.8(c) r/w 29, 8(c) r/w 22(c), 8(c), r/w 23(c), 8(c) r/w 20(b)(ii)(A) of NDPS Act 1985 in C.C.No.81 of 2022 on the file of the I Additional Special Judge for NDPS Act Cases at Chennai on 08.10.2024 .

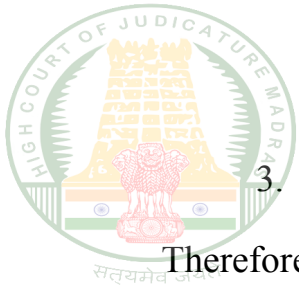
For Petitioner(s): N.P.Kumar,
Special Public Prosecutor

For Respondent(s):

ORDER

The petitioner is the complainant and the respondents are accused.

2. The petitioner filed a complaint against the respondents, under Section of the NDPS Act for the offences under Sections 8(c) read with 29, 8(c) read with 22(c), 8(c) read with 20(b)(ii)(B), 8(c) read with 23(c), 8(c) read with 28 of the Narcotic Drugs and Psychotropic Substances Act 1985, (as amended) read with Section 135 of the Customs Act, 1962, before the learned Special Judge, I Additional Special Court for NDPS Act Cases at Chennai in C.C.No.81 of 2022. Though the prosecution has proved the case, the Special Court dismissed the complaint vide impugned order dated 08.10.2024. Challenging the said order, the complainant has filed the present appeal before this Court. Since, the appeal is against acquittal, he has also filed the Criminal Original petition to grant leave.



3. Perused the grounds of appeal and there are arguable points.

Therefore, leave is granted.

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4. Registry is directed to take the appeal on file, if it is otherwise in order.

13-03-2025

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

I Additional Special Judge for NDPS

Act Cases at Chennai.

2. The Superintendent Of Customs,
RSI, Air New Custom House,
Meenambakkam, Chennai - 600 027.

3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J.

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