



WEB COPY

CRL OP No. 6130 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6130 of 2026

S.Ramadas
S/o.Somasundaram,
Ranganathan Nagar,
Cuddalore- 607 001.

Vs

State Represented by The Intelligence Officer
Narcotics Control Bureau,
South Zone Unit,
Chennai - 600 090.

..Respondent(s)

Prayer : Criminal Original Petition filed under section 528 of BNSS to set aside the order dated 02.02.2026 passed in Crl.M.P.No. 16/2026 in Spl.C.C.No. 2/2023 pending on the file of the learned III Additional District and Sessions Judge, Puducherry.

For Petitioner(s): Mr.Swamisubramanian

For Respondent(s): Mr,N.P.Kumar
Special Public Prosecutor for NCB Cases

ORDER

This petition has been filed to set aside the Order dated 02.02.2026 passed in Crl.M.P.No. 16/2026 in Spl.C.C.No. 2/2023 pending on the file of the learned III Additional District and Sessions Judge, Puducherry.



2. It is the contention of the learned counsel for the petitioner that the petitioner is the accused facing trial in Spl.C.C.No.2 of 2003 for the offences under sections 25A read with 29 and 9A of NDPS Act. It is his further contention that the case against the other co-accused has already been discharged by this Court and the petitioner alone is facing trial. It is his further contention that in this case evidence on the side of prosecution is already over and the case is posted for arguments. At this stage, as the petitioner has to cross examine P.W.1, 2, 5 and 6 with regard to some vital points, the petitioner had filed a petition under section 311 of Cr.P.C. to recall P.W.1, 2, 5 and 6 and the said petition has been dismissed by the trial Court by an Order dated 02.02.2026. Challenging the same, the present petition has been filed.

3. The learned Special Public Prosecutor would submit that the case is posted for judgment tomorrow and hence, this petition itself has become infructuous. He further submitted that in this case P.W.1, 2, 5 and 6 are intelligent officers and now P.W.1, 2 and 6 have already retired from service and they have already been elaborately cross examined. It is his further submission that petitioner indulged in diversion of Ephedrine HCL IP precursor /controlled substance under NDPS Act and Ephedrine is notified as controlled substance under Government of India, Ministry of Finance



Notification in S.O.1296 [E], dated 28.12.1999 and the same was procured by the petitioner without any valid documents/license issued by the competent authority. It is his further submission that since the witnesses have already been cross examined and the case is now posted for judgment tomorrow, prayed for dismissal of this petition.

4. Considering the above submissions, as the issuance of notification with regard to Ephedrine is not in dispute, the petitioner can raise all these grounds during the arguments and for the said reason the witnesses cannot be recalled. Hence, this Court is not inclined to entertain this petition.

5. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

6. At this stage, the learned counsel appearing for the petitioner submitted that he has not advanced his arguments and the case is posted tomorrow for judgment and the learned Special Public Prosecutor also confirmed the said fact. Such being the case, the trial Court shall hear the petitioner's arguments and given an opportunity to the respondent for reply and thereafter, render judgment in the case in Spl.C.C.No.2 of 2023. Since the Order has been dictated at 7.10 p.m., it is impossible to upload immediately.



The learned counsel appearing for the petitioner shall file a memo with regard to the above Order of this Court and the learned Special Public Prosecutor shall also inform their counter part before the trial Court with regard to the above Order and the trial Court shall permit the petitioner to argue the matter tomorrow and the petitioner shall argue the matter tomorrow without fail.

06-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

vrc

To

1. The III Additional District and Sessions Judge,
Puducherry.

2. The Intelligence Officer
Narcotics Control Bureau,
South Zone Unit,
Chennai - 600 090.

3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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