

Ubaid Vs. Excise Range Inspector

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Court : Kerala

Decided On : Feb-06-2014

Judge : Honourable Mr.Justice M.L.Joseph Francis

Appellant : Ubaid

Respondent : Excise Range Inspector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS THURSDAY, THE 6TH DAY OF FEBRUARY 2014 17TH MAGHA, 1935` CrI.Rev.Pet.No. 2465 of 2013 () ----- CRL.M.P. 522/2013 of SPL. COURT (NDPS ACT CASES), VADAKARA CRIME NO. 6/2013 OF KOYILANDY EXCISE RANGE OFFICE , KOZHIKODE REVISION PETITIONER(S)/IST ACCUSED: ----- UBAID, S/O HASSAN HAJI, RAHMATH MANZIL, EDAVANAKKANDY KOTHAMANGALAM DESOM, PANTHALAYANI VILLAGE, KOYILANDY KOZHIKODE BY ADV. SRI.T.G.RAJENDRAN RESPONDENTS/ COMPLAINANT & STATE: ----- 1. EXCISE RANGE INSPECTOR, KOYILANDY EXCISE RANGE, 673305 2. THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM 68203 BY PUBLIC PROSECUTOR SRI.LIJU V.STEPHEN. THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 04-02-2014, THE COURT ON 06-02-2014 PASSED THE FOLLOWING: M.L. JOSEPH FRANCIS J., - - - - - CrI.R.P.

No.2465 of 2013 - - - - - Dated this the 6th day of February 2014

ORDER

The revision petitioner herein is the first accused in C.R. No.6 of 2013 registered by the first respondent for the alleged commission of offence punishable under Section 20(b)(ii)(v) of NDPS Act.

2. The allegation is that on 3.6.2013 at 6.30 p.m. the petitioner was found transporting 4 Kg. of ganja in a scooter. He was arrested and produced before the Special Judge, Vadakara. He is in judicial custody from 3.6.2013 onwards.

3. The revision petitioner alleges that as per Section 36 A (4) of NDPS Act, the maximum period that the accused could CrI.R.P.No.2465 of 2013 :2: be detained under Section 167 of the Code of Criminal Procedure, is 180 days. But as per proviso, the period can be extended to a further period of 180 days. During the pendency of the petitioner's bail, the Public Prosecutor filed a report before the learned Special Judge for extension of the period of 180 days to one year. Copy of the report filed by the Public Prosecutor dated 25.11.2013 was produced. Without issuing notice to the petitioner, the learned Special Judge passed an order extending the period to one year and copy of the said order in CrI.M.P.522 of 2013 of Special Judge was also produced. Against that order, this Criminal Revision Petition is filed.

2. Heard the learned counsel for the revision petitioner and the learned Public Prosecutor. The learned counsel for the revision petitioner submitted that the order under challenge was passed without serving a copy to the revision petitioner CrI.R.P.No.2465 of 2013 :3: and thereby the revision petitioner's right to object it, could not be exercised. The learned counsel for the revision petitioner submitted that the reasons stated by the Public Prosecutor to extend the period are not valid under law. The Public Prosecutor supported the order under challenge.

3. On perusing the order under challenge, it is seen that the order was passed after hearing the learned counsel for the accused. Section 36 A(4) of NDPS Act provides that if it is not possible to complete the investigation within the said period

of 180 days, the Special Court may extend the said period up to one year on the report of the Public Prosecutor notifying the progress of the investigation and specific reason for the detention of the accused beyond the said period of 180 days.

4. The report of the Public Prosecutor filed before the Special Court shows that as per the confession statement given by the accused, ganja was seized from various places and the CrI.R.P.No.2465 of 2013 :4: accused has international connection in dealing with ganja business. Moreover, the second accused was not arrested so far and the investigation is in progress.

4. The learned Special Judge has stated in the order the reasons for the extension of time for completing the investigation. Therefore, I find no reason to interfere with that order. Accordingly this Criminal Revision Petition is dismissed as it is without any merits. M. L. JOSEPH FRANCIS, (JUDGE) dl/

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