



Sub: Special Court under EC & NDPS Act, Chennai – Initial remand of accused under NDPS Act, triable by the Sessions Court and to taking of samples from contraband seized – As directed, the Subject was placed before the Hon'ble Rule Committee (Criminal) – Circular issued.

Ref: Order of the Hon'ble Supreme Court dated 28.01.2016 in Crl.A.No. 652 of 2012 [Union of India Vs. Mohanlal and another 2016 (3) SCC 379]

The Hon'ble Rule Committee (Criminal), High Court Madras, upon considering the letter put up by both the Principal Judge, Special Court for EC and NDPS Act, Chennai and also by Principal Judge, City Civil Court at Chennai, has issued the following directions:-

- (i) The Metropolitan Magistrates / Judicial Magistrates must remand to judicial custody an accused produced for remand.
- (ii) The Principal Sessions Judge at Chennai and the Principal District Judge and Chief Judge, Puducherry, must also ensure that whenever permission is sought to take samples from the contraband seized, the Magistrates under their jurisdiction do not abjure their duty and there is compliance of the procedure stipulated in Sec.52-A of the NDPS Act.

HIGH COURT, MADRAS
DATED: 08.05.2024


REGISTRAR GENERAL

To

1. All the Principal District Judges/District Judges in the State of Tamil Nadu. } With a request }to communicate
2. The Principal Judge, City Civil Court, Chennai. }the Circular to all the
3. The Chief Judge, Court of Small Causes, Chennai. }Courts/Tribunals }under your
4. The Chief Judge, Puducherry. Jurisdiction.
5. The District Judge-cum-Chief Judicial Magistrate, The Nilgiris.
6. The Director, Tamil Nadu State Judicial Academy, R.A.Puram, Chennai-28. (with a request to communicate to the Regional Centres, at Madurai and Coimbatore).
7. The Court Manager, High Court, Madras (with a request to communicate the Circular to all the Court Managers in Tamil Nadu and Puducherry, through e-mode.)
8. The Section Officer, "G" Section, High Court, Madras.
9. The Section Officer, "F" Section, Madurai Bench of the Madras High Court, Madurai.
10. The Record Keeper, A.D.Records, High Court, Madras & Madurai Bench of the Madras High Court, Madurai.