



Crl.R.C.No.1553/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:: 10.01.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.R.C.No.1553 of 2022

Venkatesan

.. Petitioner

Vs.

State, represented by
the Inspector of Police,
E-9, Thazhambur Police Station,
Chengalpet District.

.. Respondent

PRAYER: Criminal Revision case filed under sections 397 and 401 of Cr.P.C., praying to call for the records in Crl.M.P.No.4861 of 2022 on the file of the learned Principal Special Judge for NDPS and EC Act at Chennai and set aside the order passed dated 11.10.2022 by allowing this revision and grant bail.

For Petitioner : Mr.S. Dhanasekar

For Respondent : Mr.V. Meganathan, GA (crl.side)

ORDER

This Criminal Revision has been filed challenging the order passed in Crl.M.P.No.4861 of 2022, dated 11.10.22 by the Principal Special Judge for NDPS and EC Act at Chennai and set aside the same by allowing this revision and grant bail.



2. The learned counsel for the petitioner contended that the respondent police has registered a case against the petitioner who is A1 and three others in Crime No.87 of 2022 for the offences punishable under section 8(c) r/w.20(b) (ii) (c) of NDPS Act and 25 (1) (A) of Arms Act. He was arrested and remanded to judicial custody on 2.4.2022 and since the respondent police has not filed final report within the statutory period prescribed under section 167(2) Cr.P.C., within 180 days from the date of arrest, on expiry of 180 days, the petitioner filed statutory bail application on 29.09.2022, but the trial court dismissed the same on 11.10.2022 on the ground that the respondent police filed an application for extension of time for filing final report under section 36 A (4) of NDPS Act, before the completion of 180 days i.e., on 26.09.2022. The learned trial Judge allowed the said petition and dismissed the petition filed by the petitioner seeking statutory bail. Aggrieved over such dismissal, the petitioner has filed the present Criminal Revision case.

3. He further submitted that the petitioner seeks statutory bail on the ground that no charge sheet has been filed within 180 days, however, the trial judge, without considering the materials placed before him in a proper perspective, erroneously dismissed the petition seeking statutory bail and allowed the petition for extension of time for completing investigation.



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4. When the matter was taken up, the learned Govt. Advocate (crl.side) submitted that before completion of 180 days, the prosecution filed a petition under section 36A(4) of NDPS Act for extension of further time for filing report before the trial court in Crl.M.P.No.4708 of 2022 and the said petition was allowed granting further time to file final report. The trial court, after considering the fact that the contraband (Ganja) seized from the accused is commercial quantity and selling of such thing would endanger the society, has rightly allowed the petition filed u/s.36 A(4) of NDPS Act by extending statutory period for completing the investigation and dismissed the petition filed under section 167 of Cr.P.C., seeking bail.

5. He further submitted that the police had filed final report on 23.12.2022. Thus, he pleaded for dismissal of this petition.

6. I have considered the arguments advanced on either side and perused the materials available on record.

7. The respondent police has registered a case against the petitioner/A1 for the alleged offences punishable under section 8(c) r/w.20(b) (ii) (c) of NDPS Act and 25 A of Arms Act in Crime No.87 of 2022 and on 2.4.2022



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he was arrested and remanded to judicial custody. On 29.09.2022, this petitioner has filed an application seeking statutory bail under section 167(2) Cr.P.C. A perusal of impugned order, it is seen that the prosecution filed a petition for extension of time for filing final report on 26.09.2022. Admittedly, before completion of 180 days, the prosecution has filed Crl.M.P.No.4708 of 2022 for extension of time to complete investigation and the trial court allowed the same and rejected the bail application filed by the petitioner in Crl.M.P.No.4861 of 2022. Apart from this, it is submitted by the learned Govt. Advocate (crl.side) that the final report has been filed by the prosecution before the court on 23.12.2022. Under these circumstances, the petitioner is not entitled for statutory bail. Therefore, this Court is of the view that there is no infirmity in the order passed by the trial court. Accordingly, this Criminal Revision is liable to be dismissed and the same is dismissed.

10.01.2023

Index: yes/no
Internet: yes/no
msr

To

1. The Principal Special Judge for NDPS and EC Act at Chennai
2. The Inspector of Police, E-9, Thazhambur Police Station, Chengalpet District.

V. SIVAGNANAM, J.



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