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Crl.R.C.Nos.50, 51, 52 & 56 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.Nos.50, 51, 52 & 56 of 2024

1.Johnson	... Petitioner in Crl.R.C.No.50 of 2024
2.Kokku Santhosh	... Petitioner in Crl.R.C.No.51 of 2024
3.Akash @ Bharath	... Petitioner in Crl.R.C.No.52 of 2024
4.Karthik @ Pura Karthik	... Petitioner in Crl.R.C.No.56 of 2024

Vs.

The State rep by its,
The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.
(Crime No.94 of 2023).

... Respondent in all criminal revisions

COMMON PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the order dated 29.12.2023 of the learned Principal Special Court under EC and NDPS Court at Chennai Crl.M.P.No.7811 of 2023 and enlarge the petitioner on bail in Crime No.94 of 2023 pending on the file the respondent.

For Petitioner
in all cases : Mr.D.Padmanabhan

For Respondent
in all cases : Mr.C.E.Pratap,
Government Advocate (Crl. Side)

COMMON ORDER



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All these Criminal Revision Cases have been filed by the petitioners, who are A1, A4, A5 & A6 to set aside the impugned order, dated 29.12.2023 in Crl.M.P.No.7811 of 2023 in Crime No.94 of 2023 passed by the learned Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai.

2.For better appreciation, the dates and events relating to disposal of the present Criminal Revision Cases are tabulated as follows:

S.No.	Name and Rank of the Accused	Date of Arrest	Date on which the 180th day completes	Date on which the extension petition filed	Date on which the statutory bail filed
1	Johnson/A1	30.04.2023	26.10.2023	13.10.2023	27.10.2023
2	Kokku Santhosh/A4	05.05.2023	31.10.2023	13.10.2023	02.11.2023
3	Karthik @ Pura Karthik/A5	23.05.2023	18.11.2023	13.10.2023	20.11.2023
4	Akash @ Bharath/A6	11.06.2023	07.12.2023	13.10.2023	08.12.2023

3.The contention of the learned counsel for the petitioners is that the extension petition of statutory period of investigation was filed by the respondent on 13.10.2023, i.e., on the 167th day. Thereafter, notice was served



on the petitioners. In the meanwhile, since the charge sheet was not filed, the petitioners had filed petitions under Section 167(2) of Cr.P.C., on the above said dates in Crl.M.P.Nos.8138, 8343, 8889 & 9409 of 2023 in Crime No.94 of 2023 praying to enlarge the petitioners/accused on statutory bail. The Court below by a common order, dated 29.12.2023 allowed the extension petition filed by the respondent and dismissed the statutory bail petition filed by the petitioner. Now, challenging the extension order alone, the present Criminal Revision Cases have been filed.

4.The learned Government Advocate (Crl. Side) submits that the petitioners had challenged only the extension orders passed by the Court below on 29.12.2023. The primary contention of the petitioners is that the accused or his counsel to be informed about the filing of the petition. In this case, admittedly, extension petition was filed on 13.10.2023 and notices were served for A1 on 06.11.2023, A4 on 06.11.2023, A5 on 19.12.2023 and A6 on 19.12.2023. The consideration of the Court below is that the Public Prosecutor to indicate the progress of the investigation and give specific reasons for detention of accused beyond the period of one hundred and eighty days. The Court below on satisfying with the reasons given by the Public Prosecutor had extended the statutory period of investigation invoking Section 36-A(4) of



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NDPS Act.

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5.Considering the submissions made and on a perusal of the materials available on record, it is seen that for extension petition the requirement is that notice has to be given to the other side. In this case, notice said to be served on the petitioners on 30.10.2023. Further, after satisfying with the Special Public Prosecutor request for extension of statutory period of investigation, the Court below had considered the same and granted extension of time. In view of the above, this Court finds no merits in these criminal revision cases. Hence, all these Criminal Revision Cases are dismissed.

6.It is made clear that if the petitioners' right under Section 167(2) Cr.P.C. is not considered in this petition, it is for the petitioners to agitate the same, if they so desire, by a separate petition.

23.02.2024

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

1.The Principal Special Judge,
Principal Special Court Under EC & NDPS Act,



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Chennai.

2.The Inspector of Police,
H3 Tondiarpet Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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