



WEB COPY



Crl.R.C.No.108 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.No.108 of 2024

Rajasekar @ Ganasekar

... Petitioner

Vs.

The State,
Rep by Inspector of Police,
H3 Tondiarpet Police Station,
Chennai.

... Respondent

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	:	Mr.D.Padmanabhan
For Respondent	:	Mr.C.E.Pratap, Government Advocate (Crl. Side)

ORDER

This Criminal Revision Cases has been filed by the petitioner, who is A3 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.The contention of the learned counsel for the petitioner 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, but no notice served on the petitioner. Since the charge sheet was not filed, the petitioner had filed petition under Section 167(2) of Cr.P.C., on 08.12.2023 in Crl.M.P.No9410 of 2023 in Crime No.94 of 2023 praying to enlarge the petitioner/accused on statutory bail. The Court below by an 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, the present Criminal Revision Cases has been filed.

3.The learned Government Advocate (Crl. Side) submits that the petitioners had challenged the extension order passed by the Court below on 29.12.2023. 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 NDPS Act.



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4.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, no notice served on the petitioner. The Court below on satisfying with the Special Public Prosecutor request for extension of statutory period of investigation, had granted extension of time. The petitioner filed the petition under Section 167(2) Cr.P.C., for granting statutory bail and the same was dismissed by the Court below.

5.In view of the above, this Court finds, considering the impugned order, dated 29.12.2023 in Crl.M.P.No.7811 of 2023 in Crime No.94 of 2023 in so far as the petitioner/A3 is concerned, is only academic. Recording the same, Criminal Revision Case stands disposed.

23.02.2024

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Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.

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To

- 1.The Principal Special Judge,
Principal Special Court Under EC & NDPS Act,
Chennai.
- 2.The Inspector of Police,
H3 Tondiarpet Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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