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Crl.R.C.No.102 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.102 of 2024

Venkatesh

... Petitioner

Vs.

The State rep by its
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
Crime No.205 of 2023

... Respondent

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to call for the records and set aside the order dated 05.01.2024 of the learned Principal Special Judge, Special Court under EC and NDPS Court, Chennai in Crl.M.P.No.8198 of 2023 and enlarge the petitioner on bail in Crime No.205 of 2023 pending on the file of the respondent.

For Petitioner : Mr.D.Padmanabhan

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



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ORDER

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This Criminal Revision Petition has been filed challenging the order passed by the Trial Court in granting extension of statutory period of investigation in Crl.M.P.No.8198 of 2023 filed under Section 36(A)(4) of the NDPS Act.

2.The contention of the learned counsel for petitioner is that the extension petition of statutory period of investigation was filed by the respondent on 30.10.2023, i.e., on the 179th day. Thereafter notice was served on the petitioner. In the meanwhile, since the charge sheet was not filed, the petitioner had filed a petition under Section 167(2) of Cr.P.C. On 08.12.2023 in Crl.M.P.No.9411 of 2023, i.e., on the 218th day, praying to enlarge the petitioners/accused on statutory bail. The Lower Court by a common order dated 05.01.2024 allowed the extension petition filed by the respondent and dismissed the statutory bail petition filed by the petitioner.



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3.The learned Government Advocate (Crl. Side) submits that the petitioner had challenged only the extension petition. The primary contention of the petitioner 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 30.10.2023, notice was served on 30.10.2023. The consideration of the Trial Court is that the prosecution has to prove the requirement and stage of the investigation and why such extension is required. The Trial Court on satisfying with the reasons given by the prosecution had rightly extended the statutory period of investigation.

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 notice said to be served on the petitioner on 30.10.2023. Further after satisfying with the Special Public Prosecutor request for extension of statutory period of investigation, the Trial Court had rightly considered the same and granted



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extension of time. In view of the above, this Court finds no merits in this
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revision. Hence, this Criminal Revision Case is dismissed.

5.It is made clear that if the petitioner's right under Section 167(2)
Cr.P.C. is not considered in this petition, it is for the petitioner to agitate the
same, if he so desires, by a separate petition.

13.02.2024

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



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To
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- 1.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
- 2.The Principal Special Judge,
EC and NDPS Court, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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