



WEB COPY



CrI.R.C.No.2110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.12.2023

PRONOUNCED ON : 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.2110 of 2023 and
CrI.M.P.No.19252 of 2023

Kumaravel,
S/o.Jayaraman

... Petitioner

Vs.

The State Rep. by the
The Inspector of Police,
N-1 Royapuram Police Station,
Chennai.
[Cr.No.131 of 2023].

... Respondent

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records in CrI.M.P.No.8122 of 2023 in Cr.No.131 of 2023 on the file of the Special Court under EC & NDPS Act, Chennai and set aside the same and allow this revision petition considering the facts and circumstances of the case.

For Petitioner : Mr.Abudu Kumar Rajaratinam,
Senior Counsel for Mr.A.Kripakaran

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



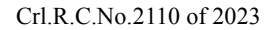
Crl.R.C.No.2110 of 2023

WEB COPY

ORDER

This Criminal Revision Case has been filed challenging the impugned order, dated 09.11.2023 in Crl.M.P.No.8122 of 2023 passed by the learned Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai.

2.The contention of the learned Senior Counsel for petitioner is that the extension petition of statutory period of investigation was filed by the respondent Police on 26.10.2023, i.e., on the 172nd day. Thereafter notice was served on the petitioner on 06.11.2023. 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 04.11.2023, i.e., on the 181st day, praying to enlarge the petitioner on statutory bail. The Lower Court by a common order, dated 09.11.2023 allowed the extension petition filed by the respondent Police and dismissed the statutory bail petition filed by the petitioner. Now, challenging the extension order under Section 36-A(4) of NDPS Act in Crl.M.P.No.8122 of 2023, this revision is filed.



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 has been ordered to the petitioner on 06.11.2023, but when it was served no date given. The pronouncement of order was made on 09.11.2023, but by then the petitioner under Section 167(2) Cr.P.C., default bail already filed. Further,



Crl.R.C.No.2110 of 2023

after satisfying with the Special Public Prosecutor request for extension of statutory period of investigation, the Trial Court had considered the same and granted extension of time. The petitioner accrued right of statutory bail granted in Crl.R.C.No.2109 of 2023. Hence, this Criminal Revision Case is dismissed confirming the impugned order, dated 09.11.2023 in Crl.M.P.No.8122 of 2023. The connected Miscellaneous Petition is closed.

20.02.2024

vv2

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

To

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



WEB COPY



CrI.R.C.No.2110 of 2023

M.NIRMAL KUMAR, J.

vv2

PRE-DELIVERY ORDER IN
CrI.R.C.No.2110 of 2023

20.02.2024