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Crl.R.C.No.1398 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On	23.10.2024
Pronounced On	31.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1398 of 2024

Rathina Sabapathi @ Poochi

... Petitioner

Vs.

The State,
Rep. by the Inspector of Police,
T-10, Manimangalam Police Station,
Chennai District.

(Crime No.421 of 2023)

... Respondent

Prayer:- Criminal Revision filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and set aside the order dated 12.08.2024 of the learned Principal Special Judge under EC and NDPS Act, Chennai, passed in Crl.M.P.No.7961 of 2024, and enlarge the petitioner on bail in Crime No.421 of 2023, pending on the file of the respondent.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.Hasan Mohammed Jinnah,
State Public Prosecutor
assisted by
Mr.A.Damodaran
Addl.Public Prosecutor

ORDER



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This Criminal Revision Case has been filed by Rathina Sabapathi @ Poochi [A1] in Crime No.421 of 2023, seeking to set aside the dismissal order passed by the learned Principal Special Judge under the EC and NDPS Act at Chennai, dated 12.08.2024, in Crl.M.P.No.7961 of 2024.

2. Since the issue under consideration pertains to the grant of relief under statutory bail, the relevant facts of the cases alone discussed for consideration of the above prayer.

3. The contention of the learned counsel for the is that the petitioner / A1 was arrested by the respondent police on 23.11.2023 in Crime No. 421 of 2023 for offences under Section 8(c) read with Sections 22(c), 25, and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 [hereinafter referred to as "the NDPS Act"]. The petitioner filed a statutory bail petition before the trial Court in Crl.M.P.No.5387 of 2024, which was dismissed on 29.05.2024. At that time, the petitioner became aware that the respondent had filed a petition in Crl.M.P.No.5061 of 2024 for extension period to complete investigation under Section 36-A(4) of the NDPS Act on 14.05.2024, i.e., on the 174th day. The petition for extension period to complete investigation was allowed on 29.05.2024, extending the period by 60 days to file the charge sheet. Thereafter, the respondent



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Police filed another petition in Crl.M.P.No.7548 of 2024 on 11.07.2024, which was allowed on 24.07.2024, directing the investigating officer to complete the investigation in a speedy manner on or before 17.09.2024. The petitioner then filed a statutory bail petition in Crl.M.P.No.7961 of 2024 for failure to file the charge sheet during the extended period on 23.07.2024, but the same was dismissed on 12.08.2024.

4. The learned counsel for the petitioner submitted that the petitioner was neither served with notice nor produced physically or virtually, and the petitioner's contention was not heard before granting the extension period to complete investigation. The first extension period petition in Crl.M.P.No.5061 of 2024 was filed, stating that the Forensic Science Laboratory report had not been received and the investigating agency was unable to file the final report. Therefore, an extension of 60 days was initially granted, followed by an additional 56 days, which, according to the learned counsel for the petitioner, is a violation of the mandatory conditions imposed by this Court.

5. The learned Additional Public Prosecutor has filed a counter affidavit and submitted that the petitioner was arrested on 23.11.2023, and



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the 180th day for filing the charge sheet was completed on 20.05.2024. The petitioner filed a statutory bail petition on 21.05.2024, i.e., on the 181st day. Prior to the same, the respondent had filed a petition for extension period to complete investigation under Section 36-A(4) of the NDPS Act on 14.05.2024, i.e., on the 174th day. Notice was served to the petitioner on 17.05.2024, and orders were passed on 29.05.2024. A second petition in Crl.M.P.No.7548 of 2024 for further extension period to complete investigation was filed on 11.07.2024, and orders were passed on 24.07.2024. The petitioner then filed a statutory bail petition in Crl.M.P.No.7961 of 2024 on 23.07.2024, and the order was passed on 12.08.2024.

6. The learned Additional Public Prosecutor further submits that the notice in the second petition for extension period to complete investigation was not served to the petitioner. He also submitted that according to Forensic Report No.T.No.716, NAR 132/2024, dated 05.08.2024, the sample was found to be free from any narcotic drug or psychotropic substance covered under the NDPS Act. Further, the report indicated the presence of sodium glutamate, commonly known as Ajinomoto, which is a flavour enhancer.



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7. In the light of the above report, the petitioner filed a statutory bail petition in Crl.M.P.No.9405 of 2024, and by order dated 06.09.2024, the trial Court granted bail to the petitioner in the case.

8. Considering the above submissions, this Court finds that the petitioner has already been granted bail on merits. Recording the same, this Criminal Revision Case is disposed of.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
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To
1.The Principal Special Judge,
Special Court for EC and NDPS Act cases,
Chennai.

2.The Inspector of Police,
T-10, Manimangalam Police Station,
Chennai District.

3.The Public Prosecutor,
High Court,
Madras.

31.01.2025



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M.NIRMAL KUMAR, J.

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Pre-delivery order in
Crl.R.C.No.1398 of 2024

31.01.2025