



Crl.R.C.Nos.1304 & 1332 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.Nos.1304 & 1332 of 2025

Crl.RC.No.1304 of 2025

Muthuvel Pandi

..... Petitioner

Vs

State, Rep. By
Inspector of Police,
PEW, Pallikaranai Police Station,
Tambaram City PEW
Cr.No.267 of 2024

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, praying to call for the records and set aside the order passed in Crl.MP.No.1854 of 2025 dated 17.04.2025 on the file of the Principal Special Judge under EC & NDPS Act, Chennai in the interest of justice.

For Petitioner : Mr.S.Karthikeyan
for Mr.C.M.Ramakrishnan

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

Crl.RC.No.1332 of 2025



Crl.R.C.Nos.1304 & 1332 of 2025

सत्यमेव जयते
Chandrakumar
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..... Petitioner

Vs

State, Rep. By
Inspector of Police,
PEW, Pallikaranai Police Station,
Tambaram City PEW
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PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, praying to call for the records and set aside the order passed in Crl.MP.No.1854 of 2025 dated 17.04.2025 on the file of the Principal Special Judge under EC & NDPS Act, Chennai in the interest of justice.

For Petitioner : Mr.S.Karthikeyan
for Mr.C.M.Ramakrishnan

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

COMMON ORDER

These criminal revision cases have been filed praying set aside the order passed in Crl.MP.No.1854 of 2025 dated 17.04.2025 on the file of the Principal Special Judge under EC & NDPS Act, Chennai thereby allowing the petition seeking extension of time to complete the investigation under Section 36(A)(4) of NDPS Act.



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The petitioners in both the writ petitions are arrayed as A1 and A2 in Crime No.267 of 2024 on the file of the respondent police in pursuant to registration of FIR for the offences punishable under Sections 8(c) r/w 20(b)(ii) (c), 25 & 29(1) of NDPS Act with the allegation that all the accused persons were found in possession of 150 kg of ganja. They were arrested on 28.10.2024. Therefore, the respondent ought to have completed investigation and filed final report within a period of 180 days from the date of their custody. However, the respondent could not complete the investigation and as such, the respondent filed petition for extension of time under Section 36(A)(4) of NDPS Act on 08.04.2025 i.e. on 163rd day of the petitioners' custody. It was allowed by an order dated 17.04.2025 i.e. on 172nd day of their custody by the trial court, thereby extending time to complete the investigation by three months. Even before completion of the said three months, the respondent completed investigation and filed final report on 18.06.2015 and the same was taken cognizance by the trial court in CC.No.516 of 2025. After filing final report, the petitioner has now challenged the order passed under Section 36(A)4 of NDPS Act dated 17.04.2025 with delay.

3. The learned Government Advocate (crl.side) appearing for the respondent submitted that these criminal revision cases themselves cannot be



entertained since once the trial court had taken cognizance on the final report

filed by the respondent, the extension of time petition cannot be challenged. In

support of his contention, he relied upon the judgment of the Hon'ble Calcutta

High Court in the case of **Maharaj Singh @ Anr. Vs. Bhaskar Prasad**

Banerjee and another rendered in **CRM(NDPS) 698 of 2023** dated 24.04.2023.

It is relevant to extract the relevant portion of the said judgment hereunder:

In the present case, the petitioners did not assail the order extending the period of detention prior to the completion of investigation. Upon conclusion of investigation and submission of complaint, impugned order extending detention beyond 180 days no longer survives after filing of charge sheet. A litigant cannot be permitted to assail an order at a time when it is no longer in existence. In this regard, reference may be made to Qamar Ghani Usmani vs. State of Gujarat² wherein the Apex Court, inter alia, held when an order of extension had not been assailed and had merged into a subsequent order, the earlier order of extension cannot be assailed. However, to assuage our conscience, we have examined the report seeking extension of the period of detention filed by the Public Prosecutor. The report clearly spells out the role of the petitioners and the necessity for extending the period of detention beyond 180 days. It is averred in the report that the petitioners hail from a different State and there is possibility of their abscondence and tampering evidence which would hamper progress of

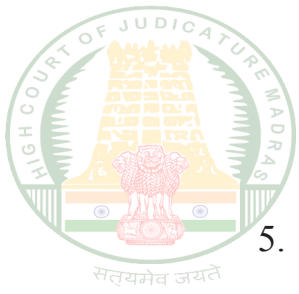


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investigation. This Court is not inclined to substitute the subjective satisfaction of the Public Prosecutor in this regard.

4. Per contra, the learned counsel appearing for the petitioners relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Judgbir Singh @ Jasbir Singh @ Samra @ Jasbir & Others Vs. National Investigation Agency*** rendered in ***Clr.A.No.1011 of 2023*** dated 01.05.2023, wherein it was held as follows:

77. The right to be released on default bail continues to remain enforceable if the accused has applied for such bail, notwithstanding pendency of the bail application or subsequent filing of the chargesheet or a report seeking extension of time by the prosecution before the court. However, where the accused fails to apply for default bail when the right accrues to him, and subsequently a chargesheet, or a report seeking extension of time is preferred before the Magistrate or any other competent court, the right to default bail would be extinguished. The court would be at liberty to take cognizance of the case or grant further time for completion of the investigation, as the case may be, though the accused may still be released on bail under other provisions of the [CrPC](#).



5. Heard, the learned counsel appearing on either side and perused all

the materials placed before this Court.

6. In the aforesaid judgment of the Hon'ble Supreme Court of India, it is dealt with a case where the accused had filed petition for default bail when the petition for extension of time was still pending. Therefore, though the petition for extension of time to complete the investigation was pending, after expiry of time for completion of investigation, the right accrues in favour of the accused for default bail. Therefore, considering the case of the accused, default bail was granted in the judgment cited supra. But in the case on hand, admittedly the prosecution had filed petition for extension of time to complete the investigation before expiry of 180 days and the same was allowed on 172nd day of the custody of the petitioners. Subsequently, the respondent completed investigation and filed final report even before expiry of the said 90 days and the case was taken cognizance by the trial court in CC.No.516 of 2025 on 18.06.2025. Therefore, the right for default bail for the petitioners never accrued and the petitioners also failed to challenge the extension of time order before filing the final report. Now charge sheet has been laid and the same has been taken cognizance by the trial court. Therefore, these criminal revision cases are not maintainable and the same are liable to be dismissed.



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Accordingly, both the criminal revision cases are dismissed.

25.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok

G.K.ILANTHIRAIYAN, J.

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To

1.The Principal Special Judge under EC & NDPS Act, Chennai

2.Inspector of Police,
PEW, Pallikaranai Police Station,
Tambaram City PEW

3.The Public Prosecutor,
High Court of Madras

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