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CrI.RC.No.1632 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.1632 of 2023

K.Chelladurai @ Periyakaruppan

... Petitioner

Vs.

Union of India

Rep. by its Intelligence Officer

NCB, Chennai

... Respondent

Prayer: Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. to call for the records relating to the order dated 08.08.2022 passed in Cr.M.P.No.4769 of 2023 in C.C.No.128 of 2022 pending before the II Additional Special Court for Exclusive Trial of Cases under NDPS Court Chennai at Chennai and set aside the same.

For Petitioner : Mr.D.Selvam

For Respondent : Mr.N.P.Kumar

Special Public Prosecutors for NCB Cases



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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order dated 08.08.2023 passed in Cr.M.P.No.4769 of 2023 in C.C.No.128 of 2022 pending before the II Additional Special Court for Exclusive Trial of Cases under NDPS Court, Chennai.

2. The case of the petitioner is that the initially the respondent police registered a case in R.R.No.37 of 2021 against the petitioner and others for offence under Section 8(c) read with Section 20(B)(II)(C), 25, 27(A), 28 and 29 of the NDPS Act, 1985 as amended and punishable under Section 20(B)(II)(C), 25, 27-A, 28 and 29 of the NDPS Act. After investigation, they laid charge sheet and the same was taken on file in C.C.No.128 of 2022 on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS Court, Chennai, on 01.06.2022. Pending case, before framing of charges, the respondent police filed an application in Cr.M.P.No.4769 of 2023 before the Special Court invoking Section 173(5)(8) of Cr.P.C. seeking leave for further



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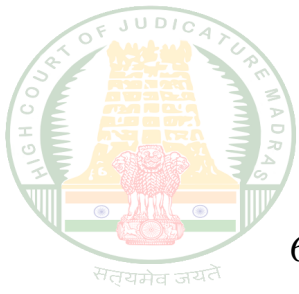
investigation and the said petition was allowed by the Special Judge by order

dated 08.08.2023. Hence, challenging the same, the petitioner/A5 has filed the present revision.

3. The learned counsel for the petitioner submitted that no new materials have been produced by the prosecution or other witnesses for further investigation. The prosecution has already conducted the investigation thoroughly and laid the charge sheet and therefore, no further investigation is necessary.

4. The learned Special Public Prosecutor appearing for the respondent police submitted that the co-accused/A6 revealed new facts about the procurement and transport of 642.100 kgs. of Ganja which are new and not known prior to the filing of the charge sheet and therefore, the respondent police filed a petition under section 173(5) (8) Cr.P.C. for further investigation and the learned Special Judge rightly allowed the same.

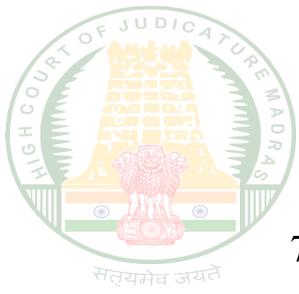
5. Heard both sides and perused the materials available on record.



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6. Admittedly the respondent police registered a case against the petitioner and other accused in R.R.No.37 of 2021 for offence under Section 8(c) read with Section 20(B)(II)(C), 25, 27(A), 28 and 29 of the NDPS Act, 1985 as amended and punishable under Section 20(B)(II)(C), 25, 27-A, 28 and 29 of the NDPS Act and after investigation, they laid the charge sheet as against A1 to A4 and the same was taken on file in C.C.No.128 of 2022 on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS Court, Chennai, on 01.06.2022 itself and absconding charge sheet was filed insofar as the petitioner/A5 is concerned. Pending C.C., the petitioner was arrested and remanded to judicial custody on 09.03.2023 on execution of NBW and the respondent police filed a petition in Crl.M.P.No.4769 of 2023 even before framing of charges, seeking further investigation to collect all the concrete evidence insofar as the petitioner is concerned. The said petition was allowed by the Special Judge after enquiry by order dated 08.08.2023. Challenging the same, the petitioner/A5 has filed the present revision.



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7. It is seen that the respondent police filed the petition seeking further investigation on the ground that the co-accused/A6 reveled new facts about the procurement and transport of 642.100 kgs. of Ganja which are new and not known prior to filing of the charge sheet. The said fact has got to be proved only by way of fresh investigation and by conducting a further investigation, no prejudice would be caused to the petitioner.

8. Therefore, this Court does not find any reason to interfere with the order passed by the Special Judge and there is no merit in this revision.

9. Accordingly, this Criminal Revision Case is dismissed.

10. However, the petitioner is at liberty to take all his defense during trial.

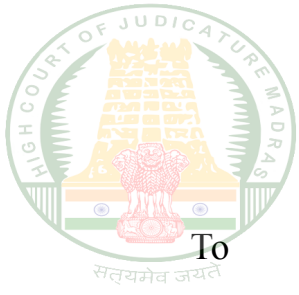
14.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Intelligence Officer
NCB, Chennai
2. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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