



Crl.A.No.1278 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.12.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN  
and  
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.A.No.1278 of 2025

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Karthik @ Naveen

.. Appellant

Vs.

The State rep. by  
The Deputy Superintendent of Police  
'Q' Branch CID  
Chennai  
Crime No.2 of 2025

.. Respondent

Criminal Appeal filed under Section 21(4) of N.I.A. Act, to call for the records in Cr.M.P.No.4439 of 2025, dated 21.05.2025, on the file of Principal Sessions Judge (Incharge) I Additional Sessions Judge, Chennai and set aside the same.

For Appellant : Mr.R.Sankarasubbu

For Respondent : Mr.A.Damodaran  
Additional Public Prosecutor  
assisted by Ms.M.Arifa Thasneem



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Crl.A.No.127 of 2025

## ORDER

(The Order of the Court was made by P.Velmurugan, J)

This Criminal Appeal has been filed to set aside the order dated 21.05.2025, passed in Cr.M.P.No.4439 of 2025, by the learned Principal Sessions Judge (Incharge)/I Additional Sessions Judge, Chennai.

2. The learned counsel for the appellant submitted that based on a special report filed by the Inspector of Police, Q Branch CID, Villupuram, alleging that the appellant is a Maoist and also a wanted accused, the respondent police registered a case against the petitioner in Crime No.2 of 2025 on 19.02.2025, for the offences under Sections 18, 19, 20, 38, 39, 40 of UA(P) Act, 1967 read with 61(1) of BNSS, 2023 and remanded him to judicial custody on 20.02.2025. The respondent police ought to have filed the charge sheet within a period of 90 days from the date of registration of FIR and instead of filing the charge sheet within the prescribed time, the respondent police filed a petition in Cr.M.P.No.4439 of 2025, before the learned Principal Sessions Judge, Chennai, seeking extension of time for investigation for a further period of 90 days from 21.05.2025. The learned Sessions Judge, without giving an opportunity to the appellant and without any valid reason and application of mind, extended the time for a further period of 30 days and thereby, extended the remand of the appellant for a further period of 30 days. Even thereafter, the respondent police had not filed the charge sheet and instead, they filed



two petitions one after another in Crl.M.P.No.5499 of 2025 and Crl.M.P.No.6723 of 2025 seeking further extension and the Sessions Judge, by orders dated 20.06.2025 and 21.07.2025, extended the time for a further period of 30 days in each petition.

2.1 The contention of the appellant is that during the first extension in Cr.M.P.No.4439 of 2025 dated 21.05.2025, the appellant was not given opportunity to oppose the same and non hearing of the appellant, vitiates the detention. Therefore, the detention pursuant to the order dated 21.05.2025 and further extensions, are not in accordance with law. Hence, challenging the first extension, the present appeal has been filed. In support of his contention, the learned counsel for the appellant placed reliance of the following judgments of the Hon'ble Supreme Court.

1. In Prabir Pukayastha Vs. State (NCT of Delhi) dated  
15.05.2024

2. In Hitendra Vishnu Thakur Vs. State of Maharashtra reported  
in 1994 SCC (4) 602.

3. The learned Additional Public Prosecutor appearing for the respondent police filed counter and submitted that on 19.02.2025, the Inspector of Police, 'A' Branch CID, Villupuram, along with his team had engaged in a special operation to trace the



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absconding accused involved in 'Q' Branch cases and while conducting surveillance near Vivekanandar Illam, Opposite to Marina Beach, Chennai, they identified the underground Maoist/the appellant herein. Apprehending arrest, the appellant shouted slogans in favour of Maoist. On enquiry, it revealed that the appellant is an Area Committee Member of a banned organization namely Communist Party of India (Maoist) and knowingly, he engaged in the activities prejudicial to the unity, integrity, security and sovereignty of India. Further, he was engaged in recruiting members, facilitating armed training, forming armed squads, seeking to overthrow the democratically elected Government through violent revolution, thereby creating fear and insecurity among the general public. On physical search, the Police had seized mobiles phones, pen drives, OTG adopters etc. including printed pamphlets with slogans as

"ஒடுக்கப்பட்ட மக்களை இணைக்கட்டும். கட்சி உதயநாள், ஒட்டு பொறுக்கி கட்சிகளுக்கு இருக்கட்டும் இறுதிநாளாய்", in the name of CPI (Maoist) at the bottom. Hence, the respondent police registered a case against the appellant in Crime No.2 of 2025, for the offences under Sections 18, 19, 20, 38, 39, 40 of UAP Act, 1967 read with 61(1) of BNS Act, 2023 and produced him before the jurisdictional Court on 20.02.2025 and remanded him to judicial custody. Since the respondent police could not complete the investigation within the stipulated period of 90 days, they filed a petition before the learned Principal Sessions Judge, Chennai, seeking extension of time for a further period



of 90 days as provided under Section 43D(2)(b) of the Unlawful Activities (Prevention) Act, 1967 and the learned Sessions Judge granted extension of time by 30 days to complete the investigation and to file the final report.

3.1 The learned Additional Public Prosecutor further submitted that on the date of first extension, the accused could not be produced before the Court, as he had been escorted to appear before the Special Court for NIA Cases, Ernakulam, in connection with R.C.No.02/2021/NIA/Kochi. However, the accused was thereafter duly produced before the Court through video conferencing from Viyyur High Security Prison, Kerala, on 05.06.2025, thereby ensuring that the appellant had knowledge of the order passed on the extension application. Therefore, the contention of the appellant that the appellant was not produced at the time of extension of time and no opportunity was given to him, is wholly untenable. He further submitted that it is well settled principle of law, as held by the Hon'ble Supreme Court in **Sanjay Dutt Vs. State through CBI, Bombay (II), reported in (1994) 5 SCC 410**, that when the accused has knowledge of the extension sought, it is not mandatory that a notice has to be issued to him every time. He further submitted that during subsequent extensions in Crl.M.P.No.5499 of 2025 and Crl.M.P.No.6723 of 2025 dated 20.06.2025 and 21.07.2025, the appellant was produced before the Court in person. Thereafter, the appellant has filed the present appeal



challenging the first extension granted by the learned Sessions Judge by order dated 20.05.2025.

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3.2 The learned Additional Public Prosecutor further submitted that subsequent to the third extension granted by the Court below on 21.07.2025, the respondent police completed the investigation within the extended time and also filed the charge sheet through e-filing on 14.08.2025 and the same was taken on file on 26.08.2025 and assigned Spl.S.C.No.116 of 2025 and now the same is pending on the file of the learned Principal Sessions Judge, Chennai. Subsequently, the trial commenced on 01.09.2025 and the appellant was produced before the trial Court through video conferencing and upon being asked, he agreed that the copies of the charge sheet and documents shall be furnished to his counsel. Accordingly, the same were furnished to his counsel and the case was posted to 24.10.2025 for further proceedings.

3.3 The learned Additional Public Prosecutor further submitted that when the appellant had knowledge about the first extension granted in Cr.M.P.No.4439 of 2025 dated 21.05.2025, this petition challenging the said order even after the subsequent extensions granted in his presence in Crl.M.P.No.5499 of 2025 and Crl.M.P.No.6723 of 2025 dated 20.06.2025 and 21.07.2025, is not maintainable. Once the subsequent extensions have been validly granted and the charge sheet has also been filed within the



extended period, the right to statutory bail and the right to challenge the first extension order, does not survive. Hence, he prayed for the dismissal of the present appeal.

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

5. It is seen that the appellant was arrested and remanded to judicial custody on 20.02.2025 in connection with Crime No.2 of 2025, for the offences under Sections 18, 19, 20, 38, 39, 40 of UA(P) Act, 1967 read with 61(1) of BNSS, 2023 on the file of the respondent police. Since the respondent police could not complete the investigation within the statutory period of 90 days, they had filed a petition before the learned Principal Sessions Judge, Chennai in Crl.M.P.No.4439 of 2025 seeking extension of time for a further period of 90 days from 21.05.2025, as provided under Section 43D(2) (b) of the Unlawful Activities (Prevention) Act, 1967 and the learned Sessions Judge, by order dated 21.05.2025 had extended the time by 30 days. Though the appellant was not produced before the Court on the date of first extension i.e. on 21.05.2025, within a short period of time, i.e. on 05.06.2025, he was produced before the Court through video conferencing to ensure that an order has been passed in the extension petition filed by the respondent police. However, the appellant had not challenged the same soon after getting knowledge of the same. Subsequently, on the petitions filed by the respondent police, the Court below had twice extended the time by 30 days each, by orders dated 20.06.2025 and 21.07.2025. Thereafter, the appellant filed the present appeal



challenging the first extension granted by the learned Sessions Judge on 21.05.2025, on the ground that the appellant was not heard before the order was passed in the first extension petition.

6. Though normally the accused will be produced before the Court by the Investigating Agency, so far as the modified application of certain provisions of the Code under the UA(P) Act, there is no mandate, since if the Court is satisfied with reasons given by the Investigating Agency as to why they are not able to file the charge sheet within the prescribed time and if any valid reason is assigned to continue the investigation further, the Court can pass orders. Whereas in this case, after passing the impugned order giving the reasons for extension of time, the appellant was produced before the Court several times and he was well aware of extension of remand and the fact that the charge sheet was not filed within 90 days and he was in judicial custody beyond 90 days. However, he had not challenged the same soon after getting knowledge of the extension of time. Therefore, this Court finds no valid reason to set aside the impugned order. There is no merits in this appeal.

7. Further, now the investigation was completed, charge sheet was filed and the same has been taken on file in Spl.S.C.No.116 of 2025 on the file of the learned Principal sessions Judge, Chennai in which, trial also commenced.

8. Accordingly, this Criminal Appeal is dismissed.



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9. The appellant is at liberty to take all his defence before the trial Court during trial.

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(P.V., J) (M.J.R., J)  
16.12.2025

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To

1. The Principal Sessions Judge (Incharge)/  
I Additional Sessions Judge, Chennai.
2. The Deputy Superintendent of Police  
'Q' Branch CID, Chennai
3. The Public Prosecutor,  
High Court, Madras.



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