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CRL RC No. 1561 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1561 of 2025

and

CrI.MP.No.16162 of 2025

1. P.Hari

S/o.Pazhani, No.9A, 23rd Street, Sakthi
Nagar, C Block, Nerkundram,
Chennai - 600107.

Petitioner(s)

Vs

1. State Rep. By

The Inspector of Police,
R11 Ramapuram Police Station.

Respondent(s)

PRAYER

Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, praying to Set aside the Impugned Order passed in CrI.MP.No.1551 of 2025 in CC.No.164/2024 dated 17.07.2025 on the file of Learned II Additional Special Court for Exclusive Trial Case, Under NDPS Act, at Chennai.

For Petitioner(s): S.Jayakumar



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For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner has filed this petition, to set aside the Impugned Order passed in Crl.MP.No.1551 of 2025 in CC.No.164/2024 dated 17.07.2025 on the file of Learned II Additional Special Court for Exclusive Trial Case, Under NDPS Act, at Chennai.

2. Challenging the impugned order passed by the Trial Court, the petitioner has preferred this revision. Before the Trial Court, he had filed an application seeking discharge from the charges framed against him. However, the said application was contested by the prosecution.

3. Upon hearing both sides, the learned Trial Judge dismissed the application, holding that any discrepancy in the investigation can be decided only at the time of trial. The learned Trial Judge further observed that certain call detail records (CDRs) produced by the prosecution indicated



communication between the petitioner, A1, and A2. Therefore, the Court held that a “mini-trial” could not be conducted at this stage and consequently dismissed the discharge application. Aggrieved by the said order, the present revision petition has been filed by the petitioner.

4. The learned counsel for the petitioner contended that A3 (the petitioner) was implicated solely based on the confession statements of the co-accused and that no incriminating material was recovered from him, except for the seizure of his mobile phone. It was further submitted that no call detail records were produced to establish his connection with A1 and A2. Despite this, the learned Trial Judge failed to appreciate the absence of any prima facie material against the petitioner, who, therefore, deserves to be discharged from the proceedings.

5. On the other hand, the learned counsel for the prosecution raised objections, stating that the petitioner was ranked as A3, while A1 and A2 were found in possession of 200 grams of Ganja and 5.45 grams of



Methamphetamine. Though no contraband was recovered from the petitioner, he was implicated based on the confession statements of A1 and A2, and only his mobile phone was seized during the investigation.

6. As rightly pointed out by the learned counsel for the petitioner, on perusal of the records, it is evident that no call detail records have been produced by the prosecution to show any communication between the petitioner and A1 or A2. The specific overt act alleged against the petitioner is that he, along with A1 and A2, attempted to sell contraband and had communicated to that effect. However, no such call details were produced by the respondent police before the Trial Court.

7. There is no prima facie material available to implicate the petitioner as an accused. It is also noted that A1 and A2 are his college seniors, and the petitioner, being a law graduate, is unable to enroll as an advocate due to the pendency of this case. The prosecution has admitted that there are no previous cases pending against the petitioner.



8. In the absence of any prima facie material to implicate him in this case, the petitioner is entitled to be discharged. The Trial Court failed to properly consider this aspect. Accordingly, the findings of the Trial Court are set aside, and the petitioner is discharged from the proceedings.

9. Hence, this Criminal Revision case is allowed. Consequently, the connected miscellaneous petition is closed.

08-10-2025

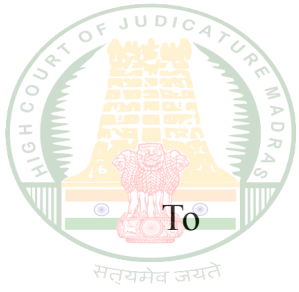
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.State Rep. By

The Inspector of Police, R11

Ramapuram Police Station.

2.The II Additional Special Court for
Exclusive Trial of Cases under NDPS
Act, Chennai.

3.The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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