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Crl.R.C.No.2227 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.2227 of 2023

J.Sathasivam @ Senthil

... Petitioner

..VS..

State Rep.by
Inspector of Police,
PEW, Ambattur Unit,
Chennai – 600 053,
Crime No.15 of 2023.

... Respondent

Criminal Revision Case filed under Section 482 Cr.P.C., to set aside the order passed in Crl.M.P.No.4766 of 2023 dated 02.08.2023 on the file of the Principal Special Judge under EC and NDPS Act, Chennai.

For Petitioner : No appearance

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed to set aside the order dated 02.08.2023 passed in Crl.M.P.No.4766 of 2023 on the file of the Principal Special Judge under EC and NDPS Act, Chennai.

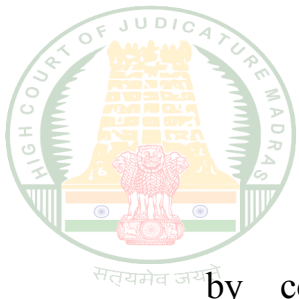
2. There is no representation for the petitioner.



Crl.R.C.No.2227 of 2023

WEB COPY

3. Learned Additional Public Prosecutor, on instructions, submitted that the petitioner-A1 and other accused A2 were arrested for illegal possession of 24 kgs of Ganja and were remanded to judicial custody on 06.01.2023 in connection with the case in Crime No.15 of 2023 for the alleged offences punishable under Sections 8(c) and 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 [hereinafter referred to as 'NDPS Act' for brevity]. He further submitted that, as per Section 36A(4) of the NDPS Act, in respect of any offence involving commercial quantity, the investigation has to be completed within 180 days. However, in this case, the respondent-Police could not file the charge-sheet within the statutory period, and hence, they have filed a petition seeking extension of time in Crl.M.P.No.4524 of 2023 before the Court below on 28.06.2023 i.e., on 174th day, indicating the progress of the investigation. While so, the petitioner has also filed a petition in Crl.M.P.No.4766 of 2023 invoking Section 167(2) Cr.P.C., praying to enlarge him on statutory bail for the alleged commission of offences. The learned Special Judge, by considering the commercial quantity involved in the case and also considering the submissions made by the prosecution,



Crl.R.C.No.2227 of 2023

WEB COPY

by common order dated 02.08.2023, allowed the petition in Crl.M.P.No.4524 of 2023 and extended the time for further 180 days and dismissed the statutory bail petition in Crl.M.P.No.4766 of 2023. Now the dismissal order in Crl.M.P.No.4766 of 2023 is under challenge in this revision petition filed by the petitioner-A1

4. Learned Additional Public Prosecutor appearing for the respondent further submitted that pending the present revision, the respondent-Police completed the investigation and also filed a charge sheet before the learned Principal Special Judge under EC and NDPS Act, Chennai, in C.C.No.827 of 2023 on 18.03.2025.

5. Considering the facts and circumstances and also considering submissions made by the prosecution and taking into account the quantity of the contraband involved in this case, which comes under the commercial quantity under the NDPS Act, this Court does not find any reason to interfere with the impugned order passed by the Court below and accordingly, this Criminal Revision Petition is dismissed. It is open to the petitioner-A1 to take all his defences before the trial Court during



Crl.R.C.No.2227 of 2023

WEB COPY

trial, as the case was already taken on file in C.C.No.827 of 2023 by the

learned Principal Special Judge under EC and NDPS Act, Chennai.

12.03.2025

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

ms

To

1. The Principal Special Judge
under EC and NDPS Act,
Chennai.
2. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
3. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
PEW, Ambattur Unit,
Chennai – 600 053.



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Crl.R.C.No.2227 of 2023

P.VELMURUGAN, J.

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Crl.R.C.No.2227 of 2023

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