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CrI.R.C.No.2199 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 23.01.2025

PRONOUNCED ON : 29.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.R.C.No.2199 of 2024

1.Suhail Ahamed

2.Mohammed Yasin

3.Raja @ Ajay

... Petitioners/Accused 2, 3 & 5

Vs.

1. The State Rep. By its

The Inspector of Police,

H-5, Thiruvottiyur Police Station,

Chennai.

(Cr.No.57 of 2024)

... Respondent/Complainant

Prayer: Criminal Revision Petition filed under Sections 438 & 442 of BNSS, praying to call for the records and set aside the order dated 21.10.2024 of the learned Principal Special Court under EC and NDPS Court at Chennai Cr.M.P.No.11633 of 2024 and enlarge the petitioners on bail in C.C.No.875 of 2024 on the file of the learned Principal Special Court under EC and NDPS Court at Chennai.

For Petitioners : Mr.D.Padmanabhan

For Respondent : Mr.S.Udaya Kumar (for R1 & R2)
Government Advocate (CrI. Side)

Amicus curiae : Mr.Abudu Kumar Rajaratnam,



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Sr. Counsel



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ORDER

The Criminal Revision challenges the order dated 21.10.2024, dismissing the petition in Crl.M.P.No.11633 of 2024 filed by the petitioners, seeking default bail.

2. It is the case of the petitioners, that they were arrested for the offences under Sections 8(c) r/w 18(b), 22(c), 25 and 29(1) of the NDPS Act @ under Sections 8(c) r/w 18(C), 22(C), 25 and 29(1) of the NDPS Act on 19.01.2024 and remanded on 20.01.2024; that the allegation against the petitioners/A2, A3 and A5, is that they were found in possession of 4.620 Kgs of Methamphetamine and 1.425 Kgs of Abin along with two other accused; that since the respondent did not file the final report within the statutory period of 180 days, the respondent sought for extension and the trial Court had granted 90 days for completion of investigation; that the respondent ought to have filed the final report before 270 days; that the 270th day fell on 14.10.2024; that the respondent filed the final report only on 15.10.2024; and hence the petitioners are entitled to statutory bail.



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3. The trial Court dismissed the said petition, on the ground that the final report was filed on the 270th day i.e., 14.10.2024 and therefore, the right to obtain default bail was extinguished.

4. The learned counsel for the petitioners reiterated his submissions made before the trial Court and asserted that the final report was filed only on 14.10.2024 and in support of his submission, had pointed out to the portion of the impugned order wherein, the trial Court had recorded the fact that the learned Public Prosecutor had stated that the final report was filed on 15.10.2024.

5. The learned Government Advocate (Crl. Side) *per contra* submitted that the trial Court had verified the records and found that the final report was filed on 14.10.2024, although the learned Public Prosecutor had mistakenly stated that the final report was filed on 15.10.2024.

6. This Court in order to ascertain the exact date on which the final report was filed, had called for the records. The learned trial Judge had initially sent a letter without the records confirming that the final report



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was filed on 14.10.2024. However, pursuant to another order, the trial Court had sent the copy of documents downloaded from e-filing CIS login.

7. In the meanwhile, since it was represented by both the learned counsel for petitioners as well as the learned Government Advocate (Crl.Side), that sometimes due to server issues, even if a particular document is uploaded by the police on a particular day, the acknowledgement is received much later, this Court to understand the working of e-filing system and also to clarify the legal issues involved, appointed Mr.Abudu Kumar Rajarathinam, learned senior counsel, as an *Amicus Curiae*.

8. (a) Mr. Abudu Kumar Rajarathinam, learned senior counsel, submitted that the period of detention for the purpose of computing the statutory period prescribed under Section 167 (2) of the Cr.P.C. or Section 36(A)(4) of the NDPS Act, should be computed from the date of detention authorised by the Magistrate and not from the date of arrest. He relied upon the judgments of the Hon'ble Supreme Court in ***Chaganti Satyanarayana and others v. State of Andhra Pradesh***, reported in



(1986) 3 SCC 141 and in *Enforcement Directorate, vs. Kapil*

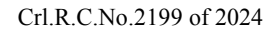
WEB.COM *Wadhawan and another*, reported in (2024) 7 SCC 147.

(b) The learned senior counsel on facts therefore submitted that the date of remand in this case was 20.01.2024 and hence, the 270th day fell on 15.10.2024 and not on 14.10.2024 and produced a tabular column, which reads as follows:

Sl.No.	Date & Month	Days
1	20.01.2024 to 31.01.2024	12
2	01.02.2024 to 29.02.2024	29
3	01.03.2024 to 31.03.2024	31
4	01.04.2024 to 30.04.2024	30
5	01.05.2024 to 31.05.2024	31
6	01.06.2024 to 30.06.2024	30
7	01.07.2024 to 31.07.2024	31
8	01.08.2024 to 31.08.2024	31
9	01.09.2024 to 30.09.2024	30
10	01.10.2024 to 14.10.2024	14
Total		269

(c) The learned senior counsel also submitted that the records reveal that the final report was filed on 14.10.2024 after rectification of certain defects pointed out by the Registry of the trial Court.

9. This Court, verified the records and also interacted with the



10. On perusal of the record, there is no doubt that the final report was filed on 14.10.2024 and the 270th day falls on 15.10.2024. Therefore, the final report was filed well within the statutory limit. The petitioners are hence not entitled to statutory bail.

11. The petitioners pointed out that in the screenshot of the computer maintained by the police and produced before this Court, it is shown that though the documents dated 15.07.2024 were submitted and approved, the final report dated 14.10.2024 is shown as submitted, but the CIS status does not show that it is approved. The scanned copy is reproduced hereunder for better understanding:

File Name	Uploaded by	Schema	CIS Status
1. Classic Sheet (1-101000-3800-42-10-00000-1500)	15-11-2015	Classic Sheet	Approved
2. Classic Sheet (1-101000-3800-42-10-00000-1500)	15-11-2015	Classic Sheet	Approved
3. Classic Sheet (1-101000-3800-42-10-00000-1500)	15-11-2015	Classic Sheet	Approved
4. Classic Sheet (1-101000-3800-42-10-00000-1500)	15-11-2015	Classic Sheet	Approved
5. Classic Sheet (1-101000-3800-42-10-00000-1500)	15-11-2015	Classic Sheet	Approved
6. Classic Sheet (1-101000-3800-42-10-00000-1500)	15-11-2015	Classic Sheet	Approved
7. Classic Sheet (1-101000-3800-42-10-00000-1500)	15-11-2015	Classic Sheet	Approved
8. Classic Sheet (1-101000-3800-42-10-00000-1500)	15-11-2015	Classic Sheet	Approved
9. Classic Sheet (1-101000-3800-42-10-00000-1500)	15-11-2015	Classic Sheet	Approved
10. Classic Sheet (1-101000-3800-42-10-00000-1500)	15-11-2015	Classic Sheet	Approved



12. From the record sent by the trial Court, the final report is shown as filed on 14.10.2024 and there is another column, which shows that it was consumed on 21.01.2025.

13. Mr.Abudu Kumar Rajarathinam, learned senior counsel pointed out the rules circulated by the e-Committee of the Hon'ble Supreme Court of India, which clarify as to what is meant by 'consumed'.

Rule 4.4 of the said rules reads as follows:

“4.4 . Consume Data option under CIS 3.0: The consume data option under eFiling is provided under the CIS 3.0 for consuming the efiled cases from the online portal. There is no direct eFiling of cases into the CIS, because if the registered users are allowed to make direct filing into CIS software it may affect the security and the speed of the software. Hence at present a separate eFiling portal is allocated whereby registered user make the eFiling and it is consumed into CIS under this consume data -eFiling option Under CIS 3.0 Consume data option is provided

E-Filing/E-Filing View Document	PDE	Pleaded Guilty	Fir Data	N-Step	RTO

which is a visionary option proposed for consuming datas under six heads.

14. In Rule 1.27 of the above Rules, it is stated as follows:

“1.27 eFiling module: The much awaited e-filing model has been rolled out for the district judiciary of our country. The e-filing will



consist of two major stages

- Registered users i.e. advocate/ party in person filing their digital case content through the e-filing web portal
- And after the digital case content is scrutinized with option for return, resubmit and accepted
- The digital case content on being accepted now becomes ready for consuming under CIS 3.0 option as shown in the screenshot.
- When the e filed cases is consumed through CIS 3.0 it is verified then rejected or accepted.
- Once it is accepted the filing number is generated successfully under CIS 3.0 as shown in the screenshot.
- After generating eFiling number it goes through the usual procedure of objection, rejection, scrutiny, and registration of FORA as in built in CIS 3.0.

15. It appears that there is a delay in the Registry of the trial Court to record the fact that the documents were consumed. The documents were shown as consumed only after this Court had passed various orders seeking clarification. This delay or lapse has to be rectified at the Registry level. Be that as it may. But merely because the document is shown as consumed on 20.01.2025, it cannot be said that the final report was not filed within the statutory limit.

16. In order to obtain further clarification, this Court sought the



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assistance of the officials in the Registry of this Court and they had given another tabular column, which reveals that the final report was uploaded on 14.10.2024 at about 18.55 hours and created on the same day at 18.57 hours. According to the officials, “created” means “submitted” and it was consumed on the next day on 15.10.2024 at 9.56 hours and was modified on 21.01.2025 at 11.00 hours. The scanned copy is reproduced hereunder for better understanding.



17. This Court in CrI.O.P.No.901 of 2024, while dealing with the similar situation where there was a mismatch in the date of filing shown in the official website, and the actual date of filing, had elaborately considered all the judgments and vide order dated 01.02.2024 has held as follows:



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“19. The above two judgements that were relied upon by the learned counsel for the petitioner will not strictly apply to the facts of the present case. In the instant case, the e-filing platform is available to the prosecution to file the final report. This filing is officially recognized to be the date of filing of the final report. It is nobody's case that an incomplete final report was filed on 13.11.2023. It must also be noted that 13.11.2023 was a working day since it was Monday and therefore, the final report along with the materials had reached the e-filing portal of the Special Court. In this digital era, it is too late in the day to claim that the e-filing of the final report cannot be construed as the date of filing and it is only the physical availability of papers that should be construed as the actual date of filing. If this interpretation is given, all the efforts that are being taken by the Apex Court and the other High Courts in India to make the entire legal proceedings digital, will be defeated.”

Therefore, whatever be the reason for the delay in consuming the data at the Registry level, i.e., a technical issue or a human error, the respondent cannot be faulted, since they have established in this case that the final report was uploaded and submitted on 14.10.2024.

18. We may also note that in the future, the Registry must also avoid such lapses that have been pointed out above with regard to the date of consumption of the data and also to process the final report and number them if it is in order, as expeditiously as possible.



19. The learned senior counsel also pointed out the rules framed by this Court called the **Madras High Court E-Filing Rules, 2020** and submitted that as per Rule 12.2, the E-Filing through designated counters will be permissible upto 16.00 hours on any court working day and if any filing of the final report thereafter is to be construed that the final report was filed on the next day. Rule 12 of the said rules reads as follows:

“12. Computation of Time:

12.1. Wherever limitation/time limits apply, it will be the responsibility of the party concerned to ensure that the filing is carried out well before the cut-off date and time. The date of e-filing will be taken as that date when the Action is electronically received in the Registry within the prescribed time on any working day. For computing the time at which e-filing is made, Indian Standard Time (IST) as in the Registry Portal will apply.

12.2. E-filing through Designated Counters will be permissible up to 16.00 hours on any court working day. On-line e-filing carried out after midnight, i.e. 24.00 hours of the day, will be treated as the date which follows the actual filing date provided it is a court working day. Actions filed on a day declared as gazetted holiday or on a day when the court is closed, will be regarded as having been filed on the next working day. For the computation of limitation, on-line e-filing shall be subject to the same legal regime as applicable to physical filing, save and except as provided herein above.

12.3. The facility for on-line e-filing through the web portal shall be available during all twenty four hours of each day, subject to breakdown, server downtime, system maintenance or such other exigencies. Where on-line e-filing is not possible for any of the reasons set out above, parties can



either approach the Designated Counters for e-filing during court hours on working days or take recourse to physical filing along with soft copies in CD or pen drive.

12.4. Provisions for limitation governing on-line e-filing will be the same as those applicable to physical filing. The period of limitation for such actions shall commence from the date when e-filing is made as per the procedure prescribed in these Rules.”

20. There is no difficulty in understanding the above Rule, which stipulates that though online E-Filing could be done during all the twenty-four hours of the day, the E-Filing through designated counters will be permitted only upto 16.00 hours. It is also seen that if the E-Filing is not done on a working day for the purpose of computing of limitation, it would be treated as filed on the next working day. However, the said rules have to be read along with Rule 25 of the Criminal Rules of Practice, 2019, which though refers to the physical filing, has permitted the Magistrates to accept the final reports even beyond the working hours of the Court or even on a holiday. The relevant rule reads as follows:

“25. Filing of final report by police and complaint by other investigation agencies. (1) Final report by police and complaint by other investigation agencies shall normally be received on all working days at fixed hours by the Court having jurisdiction to receive them. On such receipt, the same shall be entered in the “Register of Papers Received” in Administrative Form No.60 and in the First Information



Report Register in Administrative Form No.18 (Criminal Register No.18). In cases, where it is shown to the satisfaction of the Judge or Magistrate that the accused in detention in the case would become entitled to be released on compulsory bail under proviso to section 167 of the Code if the final report or complaint is not filed immediately, the Judge or Magistrate, as the case may be, shall receive the final report or complaint even on a holiday or beyond the working hours of the Court.”

21. Therefore, this Court is of the view that the general Rule framed by the High Courts that if a document is filed on a holiday, it should be construed as if it is filed on the next working day would not be applicable to a final report filed on a holiday. That apart, the final report could be filed before 12 midnight in order to claim that it was filed on a particular date.

22. Yet another aspect which requires clarification is that the petitioners had sought to compute the statutory period from the date of arrest. However, the Hon'ble Supreme Court in *Chaganti Satyanarayana's case* [cited supra], which was reiterated in *Kapil Wadhawan's case* [cited supra], had held that the period of detention has to be computed from the date of detention authorised by the Magistrate



and not from the date of arrest. The relevant portion in ***Chaganti***

Satyanarayana's case [cited supra] reads as follows:

“20. The words used in proviso (a) are "no Magistrate shall authorise the detention of the accused person in custody", "under this paragraph", "for a total period exceeding i.e. 90 days/60 days". Detention can be authorised by the Magistrate only from the time the order of remand is passed. The earlier period when the accused is in the custody of a police officer in exercise of his powers under [Section 57](#) cannot constitute detention pursuant to an authorisation issued by the Magistrate. It, therefore, stands to reason that the total period of 90 days or 60 days can begin to run only from the date of order of remand.”

23. With the above observations, the Criminal Revision Case, is dismissed.

24. This Court places its appreciation for the able assistance rendered by Mr.Abudu Kumar Rajarathinam, learned senior counsel.

29.01.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To
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1. The Principal Special Court under EC and NDPS Court,
Chennai
2. The Inspector of Police,
H-5, Thiruvottiyur Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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Pre-delivery order in
Crl.R.C.No.2199 of 2024

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