



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09.04.2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**CRL RC No. 827 of 2026**

Thirumalaisamy, S/o.Karupanna

..Petitioner(s)

Vs

State rep. By  
Inspector of Police,  
H-6, RK Nagar Police Station,  
Chennai.

..Respondent(s)

Prayer: This Criminal Revision petition is filed under Section 438 read with 442 BNSS, to set aside the order dated 27.03.2026 in CrI.M.P.No.1578 of 2026, on the file of the Principal Special Court under EC & NDPS Act, Chennai – 104 by allowing the present Criminal Revision Petition.

For Petitioner(s): Mr.Deepanuday

For Respondent : Mr.R.Kishore Kumar  
Government Advocate [Crl.side]

**ORDER**

This Criminal Revision Petition has been filed to set aside the order passed by the learned Principal Special Court under EC & NDPS Act, Chennai dated 27.03.2026 in CrI.M.P.No.1578 of 2026.



2. The learned counsel for the petitioner submits that by virtue of the judgment of the Hon'ble Supreme Court in ***Bishwajit Dey Vs. State of Assam [(2025) 3 SCC 241]***, the order passed by the learned Magistrate is illegal as the petitioner has not been arrayed as an accused.

3. At this juncture, the learned Government Advocate (Crl.side) appearing for the respondent submits that the investigation is in the preliminary stage.

4. While looking at the order passed by the learned Magistrate, it is seen that the FIR was registered on 28.02.2026 and the investigation is pending. Only on that basis, the learned Trial Judge had dismissed the application, therefore, there is no infirmity in the order passed by the learned Judge. Hence, this Criminal Revision Petition is dismissed. However, the petitioner is at liberty to file a fresh petition after filing of the charge sheet, if he is not arrayed as an accused.

**09.04.2026**

mp



To

1. Inspector of Police,  
H-6, RK Nagar Police Station,  
Chennai.
2. The Principal Special Court under EC & NDPS Act, Chennai.
3. The Public Prosecutor, High Court of Madras.



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**C.KUMARAPPAN, J.**

**mp**

**CRL.R.C No. 827 of 2026**

**09.04.2026**