



CrI.RC.(MD).No.892/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated :05.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CrI.RC.(MD).No.892/2025

and

MP.(MD).No.1/2025

Raja Subramanian @ Adithya
Karigalan @ Sam John

... Petitioner

Vs

Case No.RC.231 2022 S 0001 of CBI
IOD, New Delhi dated 25.11.2022
U/s.120-B of IPC r/w Section 67B of IT
Act, 2000,
State through CBI, IOD
New Delhi.

... Respondent

Criminal Revision filed under Sections 438 and 442 of BNSS, 2023,
to call for the records pertaining to the order passed in CrI.MP.No.6022 of
2025 in CC.No.97/2023 on the file of the learned Chief Judicial Magistrate,
Tiruchirappalli, dated 21.05.2025 and set aside the same.

For Petitioner : Mr.A.Joel Paul Antony

For Respondent : Mr.C.Muthu Saravanan
Spl.Public Prosecutor, CBI Cases



Crl.RC.(MD).No.892/2025

ORDER

(1) This Criminal Revision is filed to set aside the order dated 21.05.2025, passed in Crl.MP.No.6022/2025 in CC.No.97/2023, by the learned Chief Judicial Magistrate, Tiruchirappalli, allowing the application filed by the CBI to accept the supplementary charge sheet dated 03.12.2024 on record.

(2) The facts in brief, are as follows:-

(3) The respondent registered a case in No.RC 231 2022 S 0001, on 25.11.2022, against the petitioner and others for the alleged offence of sharing, collecting, seeking, browsing, downloading, exchanging and distributing materials depicting children in sexually explicit act, in electronic format. On the basis of the input received from the judicial authorities of Republic of Germany, and after completion of the investigation, a preliminary charge sheet was filed by the respondent on 20.01.2023, against the petitioner for the alleged offence u/s.67B of the IT Act, 2000, keeping further investigation open under Section 173[8] of Cr.P.C., to find out the source of CSAM found in the possession of the petitioner, involvement of any other persons in the offence of possessing/transmitting/exchanging CSAM and money trail etc. The



Crl.RC.(MD).No.892/2025

charge sheet was taken on file in CC.No.97/2023 by the learned Magistrate and the charge was framed against the petitioner . Upon completion of further investigation, the respondent filed Crl.MP.No. 6022/2025, before the learned Judicial Magistrate, Tiruchirappalli, for accepting the supplementary charge sheet on 03.12.2024, along with oral and documentary evidence and the material objects. The aforesaid Miscellaneous Petition was allowed by the Court below on 21.05.2025. Aggrieved by the order passed by the learned Judicial Magistrate, Tiruchirappalli, the petitioner has filed the above revision for the aforesaid relief.

(4)The petitioner in the grounds in support of the revision petition contended that the respondent police, without getting any order or prior permission from the Court, conducted the investigation and filed the petition for accepting the supplementary charges and even the Court allowed the same overlooking that prior permission for investigation was mandatory. The petitioner further contended that the learned Chief Judicial Magistrate, Trichy, failed to note that the petition was not filed in a proper manner and by proper authority and therefore, ought to have rejected the same. The petitioner contended that after the commencement



Crl.RC.(MD).No.892/2025

of the trial and when the case was posted for examination of the Investigating Officer [LW6] and on closure of all evidences, the petition was filed with a view to drag on the proceedings and to harass the petitioner. The petitioner submitted that he was subjected to the investigation twice for the same offence and hence, his rights under Article 20[2] of the Constitution, were offended. The petitioner therefore submitted that the order dated 21.05.2025, accepting the supplementary charge sheet dated 03.12.2024, was illegal, arbitrary, unsustainable in law and deserved to be set aside.

(5)The respondent filed a counter in the revision petition wherein it was contended *inter alia* that in the charge sheet dated 30.12.2022, the right to conduct further investigation u/s.173[8] of Cr.P.C., was kept open to ascertain the source of CSAM [Child Sexual Abuse Material] found in possession of the petitioner, involvement of any other person in possessing, transmitting CSAM and money trail, if any, relating to exchange and transmission of CSAM. The respondent contended that further investigation was conducted on the above aspects and pursuant to the further investigation, the supplementary charge sheet came to be filed. The respondent contended that the impugned order of the learned Chief



Crl.RC.(MD).No.892/2025

Judicial Magistrate, was absolutely correct and sustainable in view of the provisions of Section 173[8] of Cr.P.C., which permits the police to conduct further investigation even after the submission of the charge sheet. The respondent contended that for further investigation there was no necessity to seek any permission from the learned Magistrate. The respondent denied the contention that the prosecution evidence was closed. The respondent also contended that mere delay in concluding the trial, will not stand in the way of further investigation, if it would help the Court in arriving at the truth and delivering substantial and effective justice. The respondent contended that the petition was filed by the competent authority and in a proper manner and the contention to the contrary, was unsustainable. The respondent therefore contended that the revision petition lacked merits and hence, the same deserved to be dismissed.

(6)The learned counsel for the petitioner submitted that the petitioner was arraigned as A1 in the present case. The learned counsel, reiterating the grounds raised in the revision petition submitted that the impugned order passed by the learned Chief Judicial Magistrate, was erroneous, illegal and unsustainable in law and deserved to be set aside.



Crl.RC.(MD).No.892/2025

(7)The learned Special Public Prosecutor [CBI Cases] also reiterated the submissions made in the counter affidavit. Learned Special Public Prosecutor relied on the judgment of the Hon'ble Supreme Court in the case of ***CBI Vs. Hemendhra Reddy*** reported in ***2023 SCC OnLine SC 515***, in support of his contention that there was no bar for the CBI to conduct further investigation even after filing the charge sheet under Section 173[8] of Cr.P.C.

(8)Heard both sides and perused the materials placed on record.

(9)The issue that arises for consideration in the present revision is whether the order passed by the learned Chief Judicial Magistrate, accepting the Supplementary Charge Sheet dated 03.12.2024, on record, is valid and sustainable in law.

(10)The objections of the petitioner to the impugned order, can be summarised as follows:-

(a) The mandate of taking prior permisison from the learned Magistrate for re-investigation / further investigation, was not taken.

(b) The petition to accept the supplementary charge sheet filed after the commencement of the trial, was only to drag on the



Crl.RC.(MD).No.892/2025

proceedings and to harass the petitioner.

(c) Violation of Article 20[2] of the Constitution of India

(d) The petition was not filed by the competent authority and in proper manner.

POINT [a]:-Mandate of taking prior permission from the learned Magistrate for re-investigation / further investigation, was not taken.

(11)The learned counsel for the petitioner submitted that the supplementary charge sheet ought to have been rejected since prior permission was not obtained from the learned Chief Judicial Magistrate for conducting re-investigation / further investigation.

(12)The learned Special Public Prosecutor appearing for the respondent, in reply, submitted that there was no re-investigation, that there was no legal requirement of obtaining prior permission for further investigation by the police and that prior permission was required only in case of re-investigation. The learned Special Public Prosecutor further submitted that even in the first charge sheet dated 30.12.2022, the right to conduct further investigation u/s.173[8] of Cr.P.C., was kept open to ascertain the source of CSAM found in possession of the petitioner, involvement of any other person in possessing, transmitting CSAM and money trail, if



Crl.RC.(MD).No.892/2025

any, relating to exchange or transmission of CSAM. The learned Special Public Prosecutor therefore submitted that it is not a case of re-investigation, but only further investigation for which, prior permission was not necessary.

(13)The Final Report filed u/s.173[2] of Cr.P.C., was filed before the learned Chief Judicial Magistrate, Tiruchirappalli, on 30.12.2022. On a perusal of the said Final Report, which is produced by the respondent/CBI in their typed set of papers, it is seen that in Clause 17.14, the right to conduct further investigation and to file further report, is reserved.

(14)Clause 17.14 reads as follows:-

"17.14.It is submitted that further investigation to ascertain the source of Child Sexual Abuse/Explicit Material found in possession of the accused Raja Subramanian involvement of any other person/s in possessing / transmitting the said CSAM and money trail, if any relating to exchange/transmission of the said CSAM is still in progress. Therefore, investigation on these issues is kept open under the provisions of Section 173[8] of Cr.P.C., and further report or reports shall be submitted before this Hon'ble Court after



Crl.RC.(MD).No.892/2025

completion of further investigation and additional evidence will be submitted accordingly."

(15) From the report, it is clear that the supplementary charge sheet now filed is pursuant to further investigation and not on re-investigation.

(16) At this juncture, it would be pertinent to refer to certain judgments of the Hon'ble Supreme Court with regard to the position of law on the subject of prior permission.

(17) As early as in 1944, the Privy Council, in ***King Emperor Vs. Khwaja Nazir Ahmad [1944 SCC OnLine PC 29]***, delineated the powers of the police to investigate. The Privy Council, in the said judgment, held as follows:-

"...Just as it is essential that every one accused of a crime should have free access to a Court of justice, so that he may be duly acquitted if found not guilty of the offence with which he is charged, so it is of the utmost importance that the judiciary should not interfere with the police in matters which are within their province and into which the law imposes on them the duty of inquiry."

(18) The Hon'ble Supreme Court, in the case of ***State of Andhra Pradesh Vs. A.S.Peter [2008 [2] SCC 383]***, categorically held that the law does



Crl.RC.(MD).No.892/2025

not mandate taking prior permission from the learned Magistrate for further investigation. The Hon'ble Supreme Court drew a distinction between "further investigation" and "re-investigation" and held that *"where re-investigation without prior permisison was necessarily forbidden, further investigaion was not."* The same view was taken in ***Nirmal Singh Kahlon Vs. State of Punjab [2009 [1] SCC 441]***.

(19)The Hon'ble Supreme Court, in the case of ***Hasanbhai Valibhai Qureshi Vs. State of Gujarat [2004 [5] SCC 347]***, in paragraph No.12, held as follows:-

"12.Sub-section [8] of Section 173 of the Code permits further investigation, and even dehors any direction from the Court as such, it is open to the police to conduct proper investigation, even after the Court took cognizance of any offence on the strength of a police report earlier submitted. All the more so, if as in this case, the Head of the Police Department also was not satisfied of the propriety or the manner and nature of investigation already conducted."

(20)In ***Rama Chaudhary Vs. State of Bihar***, reported in ***2009 [6] SCC 346***, the Hon'ble Supreme Court explained the meaning of 'further investigation'. In paragraph No.17, the Apex Court held as follows:-



"17.From a plain reading of sub-section [2] and sub-section [8] of Section 173, it is evident that even after submission of the police report under sub-section [2] on completion of the investigation, the police has a right to "further" investigation under sub-section [8] of Section 173 but not "fresh investigation" or "reinvestigation". The meaning of "further" is additional, more, or supplemental. "Further" investigation, therefore, in the continuation of the earlier investigation and not a fresh investigation or reinvestigation to be started ab initio wiping out the earlier investigation altogether."

(21)The Hon'ble Supreme Court, while explaining further investigation as above, held in paragraph No.16 that law does not mandate taking prior permission from the learned Magistrate for further investigation and that, carrying out of further investigation even after filing of the charge sheet, was a statutory right of the police and it was only reinvestigation without prior permission which was prohibited.

(22)The Hon'ble Supreme Court, in the case of ***State through CBI Vs. Hemendhra Reddy and Another [2023 [16] SCC 779]***, while considering the issue whether even after the filing of the final report before the learned Magistrate, it was permissible for the Investigating Agency to



carry out further investigation of the case, referring to the aforesaid

judgments, among others, summarised its conclusions as follows:-

"85. We may summarise our final conclusions as under:-

85.1. *Even after the final report is laid before the Magistrate and is accepted, it is permissible for the investigating agency to carry out further investigation in the case. In other words, there is no bar against conducting further investigation under Section 173[8] CrPC after the final report is submitted under Section 173[2] CrPC has been accepted.*

85.2. *Prior to carrying out further investigation under Section 173[8] CrPC it is not necessary that the order accepting the final report should be reviewed, recalled or quashed.*

85.3. *Further investigation is merely a continuation of the earlier investigation, hence it cannot be said that the accused are being subjected to investigation twice over. Moreover, investigation cannot be put on a par with prosecution and punishment so as to fall within the ambit of clause [2] of Article 20 of the Constitution. The principle of double jeopardy would, therefore, not be applicable to further investigation.*



85.4. *There is nothing in CrPC to suggest that the Court is obliged to hear the accused while considering an application for further investigation under section 173[8] CrPC."*

(23) Therefore, this Court finds both on facts and on law that the contention of the learned counsel for the petitioner cannot be countenanced and hence, the contention is rejected.

Point [b]:-Supplementary charge sheet filed after commencement of the trial, was only to drag on the proceedings and to harass the petitioner:-

(24) The learned counsel for the petitioner submitted that the supplementary charge sheet was filed after the commencement of trial with a view to drag on the proceedings and to harass the petitioner.

(25) It is well settled that further investigation is permissible in law even after filing of the charge sheet and commencement of trial. The Hon'ble Supreme Court in *Hasanbhai's case [referred to above]*, held that the prime consideration for further investigation is to arrive at the truth and to do real and substantial justice and that the hands of the investigating agency cannot be tied down on the ground of mere delay. The Hon'ble Supreme Court emphasised that *"the mere fact there may be further delay*



Crl.RC.(MD).No.892/2025

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in concluding the trial, should not stand in the way of further investigation if that would help the Court in arriving at the truth and to do real and substantial as well as effective justice."

(26)The said judgment of the Hon'ble Supreme Court has been followed recently by a Three Judge Bench of the Apex Court in ***Rampal Gautam and Others Vs. The State by Mahadevapura Police Station, Mahadevapura, Bengaluru and Another*** reported in ***2025 LiveLaw SC 164***. The Hon'ble Supreme Court reiterated the law laid down in its judgment in ***Hasanbhai's case***, and observed that the prime consideration for directing further investigation was to arrive at the truth and to do real and substantial justice.

(27)In the light of the aforesaid judgments of the Hon'ble Supreme Court, the contention of the learned counsel for the petitioner, cannot be accepted.

POINT [c] : Violation of Article 20[2] of the Constitution:-

(28)The learned counsel for the petitioner submitted that by filing the supplementary charge sheet, the petitioner was subjected to investigation twice over and therefore, there is a violation of his fundamental right guaranteed under Article 20[2] of the Constitution. In the case of ***State***



Crl.RC.(MD).No.892/2025

through CBI Vs. Hemendhra Reddy [2023 [16] SCC 779], referred to

above, the Hon'ble Supreme Court, while summarising its conclusions, also referred to the said plea of violation of Article 20[2] of the Constitution of India and in Paragraph No.85.3, the Apex Court held as follows:-

"85.3. Further investigation is merely a continuation of the earlier investigation, hence it cannot be said that the accused are being subjected to investigation twice over. Moreover, investigation cannot be put on a par with prosecution and punishment so as to fall within the ambit of clause [2] of Article 20 of the Constitution. The principle of double jeopardy would, therefore, not be applicable to further investigation."

(29)Therefore, the said contention is meritless.

POINT [d]:-

(30)A perusal of the petition filed by the prosecution shows that it was filed by the Inspector of Police, CBI, ACB, Madurai, with proper reasons for accepting the supplementary charge sheet. Therefore, the contention of the petitioner that the petition was not properly filed and by competent authority, cannot be accepted.



Crl.RC.(MD).No.892/2025

(31)The perusal of the records reveals that the prosecution has conducted further investigation pursuant to its charge sheet dated 30.12.2022, wherein it reserved its right to conduct further investigation for the purpose of ascertaining the source of CSAM found in possession of the petitioner, involvement of any other person, possessing, transmitting CSAM and money trail, if any, relating to the exchange and transmission of CSAM. As rightly contended by the learned Special Public Prosecutor [CBI], the offence in question is not a routine crime but a heinous act of child abuse, having deep-rooted ramifications with an organized network transcending national boundaries. Such offences strike at the very core of societal conscience and often operate through clandestine channels spread across the countries. In order to unearth the larger conspiracy, identify the perpetrators, and bring the entire criminal chain to justice, further investigation was not only warranted but imperative.

(32)The prosecution has therefore rightly undertaken further investigation and filed the supplementary charge sheet in accordance with law. The objections raised against the said further investigation and the supplementary charge sheet are wholly devoid of merit.



Crl.RC.(MD).No.892/2025

(33)Hence, this Court finds no infirmity or illegality in the impugned order dated 21.05.2025 passed in Crl.MP.No.6022/2025 in CC.No.97/2023, by the learned Chief Judicial Magistrate, Tiruchirappalli, warranting interference of this Court.

(34)Hence, the Criminal Revision is **dismissed**, confirming the impugned order dated 21.05.2025 passed in Crl.MP.No.6022/2025 in CC.No. 97/2023, by the learned Chief Judicial Magistrate, Tiruchirappalli.

05.01.2026

Index : Yes/No
Internet: Yes/No
NCC : Yes/No
Speaking Order

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To

1.Case No.RC.231 2022 S 0001 of CBI
IOD, New Delhi dated 25.11.2022
U/s.120-B of IPC r/w Section 67B of IT
Act, 2000,
State through CBI, IOD
New Delhi.

2.The Special Public Prosecutor
CBI Cases, Madurai Bench of Madras
High Court, Madurai.



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Crl.RC.(MD).No.892/2025

N.MALA,J

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CRL.RC.(MD).No.892/2025

05.01.2026