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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On: 07.10.2026

Delivered On: 05.11.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.MURUGESAN

CRL RC(MD) No. 1153 of 2026

CNR:{HCMD010941812026}

Case QR

AND

CRL MP(MD) No. 13737 of 2026

CRL MP(MD) No. 14068 of 2026

M.Alex ... Petitioner

Vs.

Union of India
Represented by Jr.Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai - 77.
NCB F.No.48/1/08/2025-NCB/MDU.

... Respondent

PRAYER: Criminal Revision filed under Section 438 BNSS, to set aside the order dated 26.05.2026 passed by the Honourable Additional District and Sessions Judge / Presiding Officer Special Officer for EC and NDPS Act Cases at Pudukkottai in Crl.M.P.No. 1309 of 2026 in C.C.No. 258 of 2025 consequently grant default bail to the petitioner/accused.

For Petitioner : M/s.P.Kritika Kamal
For Respondent : Mr.Arul Vadivel @ Sekar,
Spl.Public Prosecutor for NCB

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ORDER

Heard and admitted.

02. With the consent of both parties, this criminal revision was taken up for final hearing on 07.10.2026.

03. Challenging the order dated 26.05.2026 of the Additional Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukkottai, hereinafter referred to as 'the special court', dismissing the criminal miscellaneous petition filed by the revision petitioner/petitioner/A1 under S.187(3) BNSS in Crl MP No.1309/2026 (in CC No.258/2025) seeking statutory bail, the revision petitioner/petitioner/A1 has filed this Criminal Revision Petition under S.438 BNSS.

04. For the sake of convenience, the parties are referred hereunder according to their litigative status and ranking in this criminal revision, 'the revision petitioner' and 'the revision respondent', unless the context otherwise requires.

05. Prefatory facts are that on the basis of a complaint that the revision petitioner conspired with one Raju, A2, using mobile phone (8838266986) and that on 13.04.2025, the revision petitioner was found in possession of contraband, Methamphetamine, weighing 950 gms, which was dropped by A2 on the thistles and meadows found near Bharathi Nagar, Melavilakudi, Pudukkottai to Madurai Road, at about 8.30pm on 13.04.2025, a case has been registered against the

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revision petitioner/A1 and A2 in NCB F No.48/1/08/2025-NCB/MDU for the offences under S.22(c), S.27A, S.28 and S.29 NDPS Act, 1985, r/w S.8(c) NDPS Act as amended, that accordingly, the revision petitioner was arrested and remanded to judicial custody on 14.04.2025, that the revision respondent filed a police report before the special court on 03.10.2025 and consequently, a case in CC No.258/2025 on the file of the special court is pending, that the revision petitioner, seeking statutory bail, had filed a criminal miscellaneous petition under S.187(3) BNSS in Crl MP No.1309/2026 on the ground of 'incomplete police report' and that the special court, after enquiry, has dismissed the criminal miscellaneous petition in Crl MP No.1309/2026.

06. Challenging such order of dismissal, the revision petitioner has filed this criminal revision.

07. Heard both sides, and perused all the materials available.

08. Learned counsel for the revision petitioner would submit

(1) that the case of the revision respondent that the revision petitioner conspired with one Raju, A2, using mobile phone (8838266986) and that on 13.04.2025, the revision petitioner was found in possession of contraband, Methamphetamine, weighing 950 gms, which was dropped by A2 on the thistles and meadows found near Bharathi Nagar, Melavilakudi, Pudukkottai to Madurai Road, at about 8.30pm on 13.04.2025 is false and a concocted story,

(2) that the revision petitioner, when he was travelling with his relatives, was intercepted by the police on 13.04.2025 at about 4.00pm

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at Palaya Gandarvakkottai Toll Plaza and he was taken by the police,

(3) that therefore, this is a false case foisted against the revision petitioner as if he was found with contraband,

(4) that the wife of the revision petitioner filed a writ petition before this court in WP (MD) No.11133/2025 for issuance of a writ of mandumas, directing NHAI to preserve the CCTV footage recorded at Palaya Gandharavakottai Toll Plaza between 4.00 P.M and 6.00 P.M on 13.04.2025 and to grant a copy thereof to her,

(5) that this court, vide its order dated 17.04.2025 in WP (MD) No.11133/2025, directed NHAI to preserve such CCTV footage and to grant a copy thereof to the wife of the revision petitioner, as prayed for,

(6) that in view of non compliance of such direction, the wife of the revision petitioner filed a contempt petition before this court in CONT P (MD) No.1950/2025 where it was informed that such CCTV footage was already forwarded to NCB and that NCB submitted such footage to the special court,

(7) that, accordingly, this court, in CONT P (MD) No.1950/2025, directed the special court to forward such CCTV footage to Central Forensic Science Laboratory, Hyderabad, which, in turn, was directed to retrieve the content and to submit the same to the special court directly within 12 weeks,

(8) that Central Forensic Science Laboratory, Hyderabad, having received such CCTV NVR under due acknowledgement, required the special court to provide two hard disks for such retrieval of the data,

(9) that no such hard disks were found to have been provided as required and the process of retrieval remained at a standstill,

(10) that the report from the Nodal Officer with respect to the

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CDR and CAF of the mobile phone (8838266986) alleged to have been used for conspiracy is also still awaited,

(11) that therefore, without such necessary materials, namely, the CCTV footage concerned and CDR/CAF details of the mobile phone concerned, the police report has been filed and the police report filed in this case is, therefore, an 'incomplete police report', and

(12) that therefore, the revision petitioner is entitled for statutory bail and the impugned order of the special court warrants interference.

09. Learned Special Public Prosecutor for NCB would submit that the complaint filed by the revision respondent would comprehensively cover all such necessities as mandated in S.173(2) CrPC, that mere non receipt of CFLS report for CCTV NVR recovered from the Toll Plaza concerned and the CDR particulars would not make the investigation or the complaint incomplete, that considering the prima facie materials on record, the special court has taken cognizance of the case, that a police report is not required to contain every details of the evidence supporting it, that the purpose of the report is only to furnish the special court with sufficient materials in order to take cognizance but the evidence would be produced during trial, that the revision petitioner having failed in his successive attempts to secure regular bail has come forward with the prayer of statutory bail, that the petitioner is a habitual offender and a history sheeter having many criminal antecedents, that therefore, the order of the special court does not suffer any sort of infirmities or illegalities warranting the interference of this court and that therefore, this criminal revision filed by the revision petitioner deserves for dismissal.

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10. Point for determination is whether the police report filed in CC No.258/2025 on the file of the special court is an 'incomplete police report' entitling the revision petitioner to get statutory bail under S.187(3) BNSS ?

11. Precisely speaking, whether a police report filed in time but without *all the materials* is a complete police report, disentitling the accused to seek statutory bail is a debatable legal question.

12. Issue involved in this criminal revision, in the opinion of this court, would require a discussion under two heads, one, completeness of a police report in terms of statutory bail, and the other, investigation at the instance of the accused.

13. Completeness of Police Report in terms of Statutory Bail

(1) 13.04.2025 is the date of arrest of the revision petitioner. 14.04.2025 is the date of judicial remand of the revision petitioner. 10.10.2025 is the date when the window period expires. 03.10.2025 is the date when police report was filed. 11.12.2025 is the date when revision petitioner filed a memo challenging the police report. 12.05.2026 is the date when the revision petitioner filed the criminal miscellaneous petition under S.187(3) BNSS in Crl MP No.1309/2026 in CC No.258/2025.

(2) S.189 BNSS would read as under:

189. Release of accused when evidence deficient.

If, upon an investigation under this Chapter, it appears to the officer in charge of the police station that there is not sufficient

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evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond or bail bond, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report, and to try the accused or commit him for trial.

(3) S.190 BNSS would read as under:

190. Cases to be sent to Magistrate, when evidence is sufficient.

(1) If, upon an investigation under this Chapter, it appears to the officer in charge of the police station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial, or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed:

Provided that if the accused is not in custody, the police officer shall take security from such person for his appearance before the Magistrate and the Magistrate to whom such report is forwarded shall not refuse to accept the same on the ground that the accused is not taken in custody.

(2) When the officer in charge of a police station forwards an accused person to a Magistrate or takes security for his

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appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the facts and circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

(3) If the Court of the Chief Judicial Magistrate is mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference is given to such complainant or persons.

(4) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

(4) S.193 BNSS would read as under:

193. Report of police officer on completion of investigation.

(1) Every investigation under this Chapter shall be completed without unnecessary delay.

(2) The investigation in relation to an offence under sections 64, 65, 66, 67, 68, 70, 71 of the Bharatiya Nyaya Sanhita, 2023 or under sections 4, 6, 8 or section 10 of the Protection of Children from Sexual Offences Act, 2012 shall be completed within two months from the date on which the information was recorded by

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the officer in charge of the police station.

(3)(i) As soon as the investigation is completed, the officer in charge of the police station shall forward, including through electronic communication to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form as the State Government may, by rules provide, stating-

(a) the names of the parties;

(b) the nature of the information;

(c) the names of the persons who appear to be acquainted with the circumstances of the case;

(d) whether any offence appears to have been committed and, if so, by whom;

(e) whether the accused has been arrested;

(f) whether the accused has been released on his bond or bail bond;

(g) whether the accused has been forwarded in custody under section 190;

(h) whether the report of medical examination of the woman has been attached where investigation relates to an offence under sections 64, 65, 66, 67, 68, 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023;

(i) the sequence of custody in case of electronic device;

(ii) the police officer shall, within a period of ninety days, inform the progress of the investigation by any means including through electronic communication to the informant or the victim;

(iii) the officer shall also communicate, in such manner as the State Government may, by rules, provide, the action taken by him, to the person, if any, by whom the information relating to

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the commission of the offence was first given.

(4) Where a superior officer of police has been appointed under section 177, the report shall, in any case in which the State Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police station to make further investigation.

(5) Whenever it appears from a report forwarded under this section that the accused has been released on his bond or bail bond, the Magistrate shall make such order for the discharge of such bond or bail bond or otherwise as he thinks fit.

(6) When such report is in respect of a case to which section 190 applies, the police officer shall forward to the Magistrate along with the report-

(a) all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;

(b) the statements recorded under section 180 of all the persons whom the prosecution proposes to examine as its witnesses.

(7) If the police officer is of opinion that any part of any such statement is not relevant to the subject matter of the proceedings or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate that part of the statement and append a note requesting the Magistrate to exclude that part from the copies to be granted to the accused and stating his reasons for making such request.

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(8) Subject to the provisions contained in sub-section (7), the police officer investigating the case shall also submit such number of copies of the police report along with other documents duly indexed to the Magistrate for supply to the accused as required under section 230:

Provided that supply of report and other documents by electronic communication shall be considered as duly served.

(9) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (3) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form as the State Government may, by rules, provide; and the provisions of sub-sections (3) to (8) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (3):

Provided that further investigation during the trial may be conducted with the permission of the Court trying the case and the same shall be completed within a period of ninety days which may be extended with the permission of the Court.

(5) It is therefore clear that S.193(3)(i)(d) BNSS, namely, ‘whether any offence appears to have been committed and, if so, by whom’ would qualify a police report whether a positive police report or a negative police report. If, in the opinion of the investigating police officer, no offence appears to have been committed, it would be a

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'negative police report' with the scope for further investigation at the instance of the superior police officer or of the Magistrate. If, in the opinion of the investigating police officer, any offence appears to have been committed, it would be a 'positive police report' to which, as under S.193(6) BNSS, S.190 applies, requiring the investigating police officer to forward to the Magistrate along with such positive police report

(i) all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;

(ii) the statements recorded under S.180 BNSS of all the persons whom the prosecution proposes to examine as its witnesses.

(6) In short, if it is a 'positive police report' to which, as under S.193(6) BNSS, S.190 applies, the investigating police officer shall forward such police report to the Magistrate along with all the materials which he relies on.

(7) Now, the question is whether such materials relied on by the investigating police officer in such positive police report must qualify as 'complete evidence' qualifying the police report as a 'complete police report'?

(8) S.190 BNSS would answer that if it *appears to the investigating police officer* that there is sufficient evidence or reasonable ground of suspicion, it would be enough for such investigating police officer to forward such police report with such materials to a Magistrate empowered to take cognizance of the offence on such police report *and to try the accused or commit him for trial*. In

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other words, while forwarding a positive police report, the materials forwarded along with such positive police report need not be 'complete evidence' arising out of 'complete investigation' but need to be the materials bringing *sufficient evidence or reasonable ground of suspicion*.

(9) Therefore, if a positive police report with such materials bringing sufficient evidence or reasonable ground of suspicion is forwarded by the investigating police officer, enabling the Magistrate to take cognizance thereon, it could be held or said to be a strict compliance of S.193(3) r/w S.193(6) r/w S.190 BNSS (S.173(2) r/w 173(5) r/w S.170 CrPC)

(10) Therefore, such police report with such materials as aforesaid culminating from a core investigation, and enabling the Magistrate to take cognizance thereon, in the opinion of this court, can be said to be a complete police report which cannot be challenged by the accused on the ground that the investigating police officer ought to have collected some other materials being better than those already collected.

(11) Therefore, strictly speaking, here is a case where a positive police report with such materials, which, in the opinion of the investigating police officer, would bring sufficient evidence or reasonable ground of suspicion against the accused concerned, has been filed, enabling the Magistrate to take cognizance thereon.

(12) At this juncture, this court, even though the issue of 'incomplete final report in terms of statutory bail' is found to have

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been referred to the larger bench of the Hon'ble Supreme Court (Directorate of Enforcement V Manpreet Singh Talwar SLP (Crl) 5724/2023 (2023 SCC OnLine SC 751) and Hanif Ansari V State (Govt of NCT of Delhi) (2024 SCC Online SC 537)), would like to refer to the recent decision dated **01.07.2026** of the Hon'ble Supreme Court in **Shaurya Sunil Singh V Central Bureau of Investigation (2026 INSC 666)** and the relevant excerpts would read as under:

> '**20**. At this stage, we find it relevant to enumerate certain principles concerning the relief of default bail, as expounded by various pronouncements of this Court:
>
> a) The right to default bail is an indefeasible right that flows from Article 21 of the Constitution. [Saravanan v. State[6]; Fakhrey Alam v. State of Uttar Pradesh[7]];
>
> b) The grant of default bail to an accused is not a release from custody on merits, but on the failure of the investigating agency to file the chargesheet within a period of sixty or ninety days, as prescribed. [State v. T. Gangi Reddy[8]];
>
> c) **The right to default bail comes to an end upon filing of the chargesheet within the prescribed time period.** [Suresh Kumar Bhikamchand Jain v. State of Maharashtra and Anr[9]] + [SFIO v. Rahul Modi[10]]
>
> d) The object behind the provision for default bail is to ensure expeditious investigation and prevent laxity therein. [T. Gangi Reddy (Supra)] and
>
> e) An application for default bail may also be made orally. Courts cannot be too technical in matters of personal liberty. [Rakesh Kumar Paul v. State of Assam[11]; Bikramjit Singh v. State of Punjab[12]]

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21. Having considered the above statutory provisions and pronouncements of the Court, we are of the view that simple non-filing of additional copies of the chargesheet/police report will not entitle the appellant to the relief of default bail. **This Court while considering default bail under the erstwhile CrPC has expounded that the relief of default bail is limited to non-filing of the charge-sheet itself and once the charge-sheet is filed in its proper form, the question of default bail does not arise.** This Court in ***Judgebir Singh v. NIA*** (((2023) 17 SCC 48)) had observed as follows:

> "33. The scheme of CrPC as noticed above clearly delineates that the provisions of Section 167CrPC give due regard to the personal liberty of a person. Without submission of charge-sheet within 60 days or 90 days as may be applicable, an accused cannot be detained by the police. The provision gives due recognition to the personal liberty. However, as explained by this Court in Dinesh Dalmia v. CBI [Dinesh Dalmia v. CBI, (2007) 8 SCC 770 : (2008) 1 SCC (Cri) 36] , such a right of default bail although a valuable right, yet the same is a conditional one, the condition precedent being pendency of the investigation. Therefore, once the investigation is complete with the filing of the police report, containing the details specified under Section 173(2)CrPC, the question of a claim or grant for default bail does not arise." (emphasis supplied)

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22. More recently, we place reliance on the exposition of this Court in ***CBI v. Kapil Wadhawan***[13], wherein this Court expounded that even in the scenario that **all documents relied upon by the prosecution are not filed with the charge-sheet, the same would not invalidate or vitiate the chargesheet itself**. It was observed:

> "23. The benefit of proviso appended to sub-section (2) of Section 167 of the Code would be available to the offender only when a charge-sheet is not filed and the investigation is kept pending against him. Once however, a charge-sheet is filed, the said right ceases. It may be noted that the right of the investigating officer to pray for further investigation in terms of sub-section (8) of Section 173 is not taken away only because a charge-sheet is filed under sub-section (2) thereof against the accused. Though ordinarily all documents relied upon by the prosecution should accompany the charge-sheet, nonetheless for some reasons, if all the documents are not filed along with the charge-sheet, that reason by itself would not invalidate or vitiate the charge-sheet. It is also well settled that the court takes cognizance of the offence and not the offender. Once from the material produced along with the charge-sheet, the court is satisfied about the commission of an offence and takes cognizance of the offence allegedly committed by the accused, it is immaterial whether the further investigation in terms of Section 173(8) is pending or not. The pendency of the further investigation qua the other accused or for production of some documents not

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available at the time of filing of charge-sheet would neither vitiate the charge-sheet, nor would it entitle the accused to claim right to get default bail on the ground that the charge-sheet was an incomplete charge-sheet or that the charge-sheet was not filed in terms of Section 173(2)CrPC." (emphasis supplied)

23. Applying the aforesaid exposition of law, in our considered view, the non-filing of additional copies of the charge-sheet under Section 193(8) would not vitiate the chargesheet/police report itself. As was the case under the erstwhile CrPC, the position under BNSS is to remain that the right to default bail arises when the chargesheet is not filed within a period of sixty or ninety days, as applicable. **Once the chargesheet is filed, in compliance with the form prescribed under Section 193(3) BNSS, within the aforesaid period, the right to default bail ceases.** Non-compliance with Section 193(8) of the BNSS cannot be construed to give the same result as Section 187(3) of the BNSS.

24. Furthermore, the aforesaid reasoning is in line with the exposition of this Court in ***Central Bureau of Investigation v. R.S. Pai*** (((2002) 5 SCC 82)). This Court, **while construing Section 173(5) of the CrPC which required supporting documents and witness statements to be supplied to the Magistrate along with the police report, held this section to be directory in nature.** It was observed:

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"7. From the aforesaid sub-sections, it is apparent that normally, the investigating officer is required to produce all the relevant documents at the time of submitting the charge-sheet. At the same time, as there is no specific prohibition, it cannot be held that the additional documents cannot be produced subsequently. If some mistake is committed in not producing the relevant documents at the time of submitting the report or the charge-sheet, it is always open to the investigating officer to produce the same with the permission of the court. In our view, considering the preliminary stage of prosecution and the context in which the police officer is required to forward to the Magistrate all the documents or the relevant extracts thereof on which the prosecution proposes to rely, the word "shall" used in sub-section (5) cannot be interpreted as mandatory, but as directory. Normally, the documents gathered during the investigation upon which the prosecution wants to rely are required to be forwarded to the Magistrate, but if there is some omission, it would not mean that the remaining documents cannot be produced subsequently. Analogous provision under Section 173(4) of the Code of Criminal Procedure, 1898 was considered by this Court in Narayan Rao v. State of A.P. [AIR 1957 SC 737 : 1958 SCR 283 : 1957 Cri LJ 1320] (SCR at p. 293) and it was held that the word "shall" occurring in sub-section (4) of Section 173 and sub-section (3) of Section 207-A is not mandatory but only directory. Further, the scheme of sub-section (8) of Section 173 also

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makes it abundantly clear that even after the charge-sheet is submitted, further investigation, if called for, is not precluded. If further investigation is not precluded then there is no question of not permitting the prosecution to produce additional documents which were gathered prior to or subsequent to the investigation. In such cases, there cannot be any prejudice to the accused. Hence, the impugned order passed by the Special Court cannot be sustained. (emphasis supplied)

25. Similarly, this Court in ***Narendra Kumar Amin v. CBI and Ors***[14] while rejecting the plea for default bail on the contention that the chargesheet therein had not been filed with the full set of documents had observed that **as the police report was in compliance with requirement of Section 173(2) and within the stipulated time period of ninety days, the High Court has rightly rejected bail**:

"15. …. On the contrary, the three-Judge Bench of this Court in the decision in CBI v. R.S. Pai [(2002) 5 SCC 82 : 2002 SCC (Cri) 950] case, after referring to the earlier judgment of the coordinate Bench in Narayan Rao case [Narayan Rao v. State of A.P., AIR 1957 SC 737 : 1957 Cri LJ 1320 : 1958 SCR 283] categorically held that **the word "shall" used in sub-section (5) cannot be interpreted as mandatory, but directory.** The said statement of law is made after considering the provisions of Section 2(r) read with Sections 173(5) and (8) CrPC. Therefore, filing of the police report containing the

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particulars as mentioned under Section 173(2) amounted to completion of filing of the report before the learned ACJM, cognizance is taken and registered the same. The contention of the appellant that the police report filed in this case is not as per the legal requirement under Sections 173(2) and (5) CrPC which entitled him for default bail, was rightly rejected by the High Court and does not call for any interference by this Court." (emphasis supplied)

26. In the above backdrop, we are of the considered view that the present appellant is not entitled to the relief of default bail. Undoubtedly, it is borne from the record that the chargesheet/police report stood filed within the prescribed statutory time before the magistrate on 02.09.2025. The contents thereof, being in compliance with Section 193(3) BNSS. Consequently, on 02.09.2025, **the right to default bail became extinguished** and the appellant ought to have applied for regular bail. Moreover, it is also a matter of record that cognizance has also been taken on the chargesheet filed by the investigating agency. This order has not been challenged to date, thereby implying that the contents of the charge-sheet are in accordance with law. (**emphasis** supplied by this court)

(13) In such circumstances, the revision petitioner, in the opinion of this court, cannot challenge the police report filed by the investigating police officer in CC No.258/2025 on the file of the special court on the ground that the investigating police officer ought to have collected some other materials, namely, CFLS report for

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CCTV NVR recovered from the Toll Plaza concerned and CDR and CAF particulars of the mobile phone concerned, being better than those already collected.

(14) Literally speaking, as long as S.193 BNSS provides for further investigation and thereby, for further report or reports with further materials/evidence, every police report, however complete, cannot be said to be a 'complete police report with 100% completeness'.

13. Investigation at the instance of the accused

(1) S.2 (l) BNSS would define 'investigation' as under:

(l) "investigation" includes all the proceedings under this Sanhita for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf.

In simple, only a police officer or a person authorized by a Magistrate can collect evidence during investigation.

(2) **Union of India and another V W.N. Chadha (AIR 1993 SC 1082)** is a case where the Hon'ble Supreme Court, while explaining the role of the accused in an investigation, has held as under:

'**91**. More so, the accused has no right to have any say as regards the manner and method of investigation. Save under certain exceptions under the entire scheme of the Code, the accused has no participation as a matter of right during the course of the investigation of a case instituted on a police report till the

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investigation culminates in filing of a final report under Section 173(2) of the Code or in a proceeding instituted otherwise than on a police report till the process is issued under Section 204 of the Code, as the case may be. Even in cases where cognizance of an offence is taken on a complaint notwithstanding that the said offence is triable by a Magistrate or triable exclusively by the Court of Sessions, the accused has no right to have participation till the process is issued. In case the issue of process is postponed as contemplated under Section 202 of the Code, the accused may attend the subsequent inquiry but cannot participate. There are various judicial pronouncements to this effect but we feel that it is not necessary to recapitulate those decisions. At the same time, we would like to point out that there are certain provisions under the Code empowering the Magistrate to give an opportunity of being heard under certain specified circumstances.

(3) In this case on hand, the revision petitioner/A1, claiming that CCTV footage concerned and CDR/CAF details of the mobile phone concerned are necessary materials which would disprove the case of the prosecution, would require the investigating police officer to collect such materials and to file the same along with a police report in order to make the police report ‘complete’.

(4) As discussed earlier, the revision petitioner being the accused can have no say as regards the manner and method of investigation. Therefore, the revision petitioner cannot plead that without such necessary materials, namely, the CCTV footage concerned and

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CDR/CAF details of the mobile phone concerned, the police report filed in this case is an 'incomplete police report', entitling him to get statutory bail.

14. In the light of the foregoing discussions, this court holds that the police report filed in CC No.258/2025 on the file of the special court cannot be said to be an 'incomplete police report' entitling the revision petitioner to get statutory bail under S.187(3) BNSS, and this point is answered, accordingly.

15. In fine, this criminal revision shall stand dismissed, upholding the order of the special court in Crl MP No.1309/2026 in CC No.258/2025, directing the special court to dispose of C.C.No.258/2025, within a period of two months from the date of receipt of a copy of this order and closing the connected miscellaneous petitions, consequently.

05.11.2026

Index : Yes / No
Neutral Citation : Yes / No
gns

To
1.The Additional District and Sessions Judge / Presiding Officer Special Officer for EC and NDPS Act Cases at Pudukkottai

2.Jr.Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai - 77.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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B.MURUGESAN, J.

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Order made in
CRL.RC.(MD)No.1153 of 2026

05.11.2026

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