

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No.525 of 2009

K.Varadharaj

...Petitioner

vs

The Intelligence Officer
Narcotic Control Bureau
South Zone Unit
Shastri Bhavan, Chennai

... Respondent

Criminal Revision Case filed under Sections 397 read with Sec. 401 of Cr.P.C. against the order dated 25.05.2009 passed by the learned Principal Special Judge, E.C and NDPS Act Court, Madras in Crl.M.P.No.785 of 2009, in C.C. No.347/02 in RR 10/02 in NCB F.No.48/1/9/2002/NCB/MDS.

For Petitioners : No appearance

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor for
NDPS Cases

ORDER

The petitioner has filed the above Criminal Revision Case challenging the order dated 25.05.2009 passed by the Court below in rejecting the application filed by the petitioner under Section 451 of Cr.P.C. for return of vehicle namely, Mahindra Scorpio bearing Registration No.TN 07 AJ 3838.

2. The case of the petitioner is that the respondent-police confiscated the vehicle of the petitioner in connection with the case pertaining to the offence under NDPS Act for drug trafficking. Therefore, the petitioner filed a petition before the Court below under Section 451 of the Criminal Procedure Code seeking return of the property. Since the same was dismissed, the petitioner has filed this revision case.

3. The main ground of attack made by the petitioner in this revision is that the Court below failed to take into account the fact that the petitioner was only the landlord and the tenant of the petitioner, viz., one Ashok Kumar, who involved in the NDPS offence was arrested. He would further submit that in that regard, the petitioner's vehicle was also confiscated. Accordingly, he would pray for return of the same.

4. When the matter is taken up today for hearing, there was no representation for the petitioner. Hence, as per the judgment of the Hon'ble Supreme Court reported in (2013) 3 SCC 721 [K.S.Panduranga vs. State of Karnataka], the Criminal Revision Case is taken up for disposal on merits.

5. Learned Special Public Prosecutor would only submit that the petitioner has already filed an application before the appropriate authority for return of the vehicle, which was rejected by the authority. Later, he has preferred an appeal before the Appellate Authority and the Appellate Authority, has ordered return of the vehicle, however subject to condition of deposit. However, suppressing all those facts, the petitioner has approached this Court seeking return of vehicle. Accordingly, he would submit that the revision has to be dismissed.

6. It is submitted by the learned Special Public Prosecutor that the relief sought for by the petitioner in this revision has already been granted by the Appellate Authority, subject to certain conditions. It is also brought to the notice of this Court that the petitioner without complying with the said condition has approached this court by way of this revision. Suppressing all these material facts, the petitioner has approached this Court by way of revision. In view of the same and taking into account the fact that the petitioner has not approached this Court with clean hands, this revision has to be dismissed in limini. Accordingly, the same is dismissed in limini.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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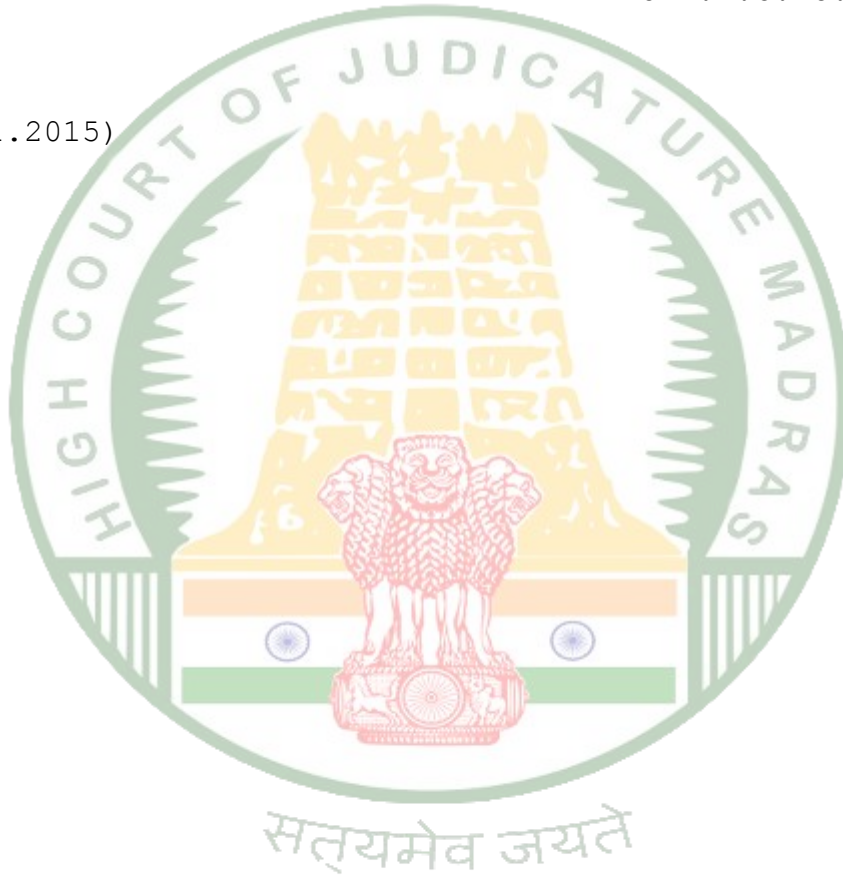
To

1. The Principal Special Judge,
E.C and NDPS Act Court,
Madras

2. Mr.N.P.Kumar,
Spl Public Prosecutor for NDPS Cases,
Madras.

Cr1.R.C.No.525 of 2009

PPA (CO)
PSI (04.11.2015)



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