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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2015

CORAM:
THE HONOURABLE Mrs.JUSTICE S.VIMALA

Crl.R.C.(MD)No.357 of 2015

Sujabukker ... Petitioner

Vs.

The Inspector of Police,
Cumbum North Police Station,
Theni District. ... Respondent

PRAYER: This Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed by the Additional / Principal Special Court for EC & NDPS Act Cases, Madurai in respect of deposit of a sum of Rs.1,00,000/- in Cr.M.P.No.1972 of 2015 dated 20.07.2015.

For Petitioner : Mr.S.Mahendrapathy
For Respondent : Mr.P.Kandasamy, G.A.(Crl.side)

ORDER

An application has been filed in Cr.M.P.No.1972 of 2015 before the Additional / Principal Special Court for EC & NDPS Act Cases, Madurai, seeking for return of the vehicle bearing registration No.KL 34/C-3784. The Trial Court while ordering return of property has chosen to order return of property. But, at the same time, the Trial Court had imposed the condition of depositing a sum of Rs.1 lakh as security apart from the requirement of two execution of bond by two sureties. This condition is under challenge in this Criminal Revision case.

2.Heard both sides.

3.According to the learned counsel for the revision petitioner, the imposition of the condition of depositing one lakh would amount to refusal to return the property and it is very difficult for the petitioner to comply with the condition of depositing Rs.1 lakh.

4.However, the learned Government Pleader (Crl.side) appearing for the respondent would submit that the vehicle bears Kerala registration and hence, the petitioner should not be allowed dispose of the property, otherwise, it may not be available for trial.

5.The learned counsel for the petitioner submitted that already registration certificate of the said vehicle has been surrendered before the Trial Court and it is in the custody of the Trial Court

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alone and there is also an undertaking not to dispose of the property without the permission of the Court till the disposal of the case under such circumstances there is no possibility of revision petitioner to dispose of the property.

6.Time and again the Hon'ble Supreme Court has directed the Lower Court not to impose such onerous conditions. Considering the legal position involved, the condition directing the revision petitioner to deposit a sum of one lakh is liable to be set aside.

7.Accordingly, the order passed in Cr.M.P.No.1972 of 2015, directing to deposit of Rs.1 lakh stands set aside. The Criminal Revision Case is allowed.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

nbj

To
1.The Additional Principal Special Judge,
Special Court for EC & NDPS Act, cases Madurai.

2.The Inspector of Police,
Cumbum North Police Station,
Theni District.

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

+1cc to MR.S.MAHENDRAPATHY,ADVOCATE SR NO.48552

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