



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

C.R.L.RC(MD) No.164 of 2016

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S.Muthuramalingam

... Petitioner /
Petitioner

-vs-

The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
(Crime No.230 of 2015)

... Respondent/
Complainant

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., to call for the records in Crime No.230 of 2015 in Crl.M.P.No.1840 of 2015 on the file of the learned Additional Sessions Judge for EC & NDPS Court, Pudukottai District and set aside the order passed by the learned Additional Sessions Judge for EC & NDPS Court, Pudukottai.

For Petitioner	:	Mr.S.Rajaprabhu
For Respondent	:	Mrs.S.Prabha
		Govt.Advocate (Crl.Side)

O R D E R

A vehicle owner challenges dismissal of his property return petition in this revision.

2.Kariyapatti Police, Virudhunagar District, registered a case under the NDPS Act. Seized the TATA Sumo Victa GX Car TN 59 AA 3981 and produced it before the Court. The vehicle owner/the revision petitioner wanted interim custody of the same.

3.The learned Additional Sessions Judge under EC Act and NDPS Act at Pudukottai dismissed the petition on the ground that if the vehicle is released, the case will be out. I do not understand it will be so.

4.The principles laid down by the Hon'ble Apex Court in **Sunderbhai Ambalal Desai v. State of Gujarat [2003 (1) CTC 175 (SC)]** squarely applies to this case. So, the order of the trial Court must go.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Ordered as under:

i. This criminal revision is allowed.



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- ii. The impugned order, dated 08.01.2016, passed in Cr.M.P.No.1840 of 2015, by the learned Additional Sessions Judge under EC Act and NDPS Act at Pudukottai, is set aside.
- iii. The said Judge shall give interim custody of TATA SUMO VICTA GX TN 59 AA 3981 vehicle to the revision petitioner.
- iv. The vehicle shall be photographed. It shall be signed by the revision petitioner. It shall be kept in case records.
- v. The revision petitioner will execute a personal bond for Rs.2,00,000/- (Rupees Two Lakhs only) to the satisfaction of the said Judge.
- vi. There shall not be any attempt to alter or dispose of the vehicle till the property order is passed by the trial Court.
- vii. The revision petitioner will produce the vehicle as and when so ordered by the Court.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To:

- 1.The Additional Sessions Judge, Special Judge for EC Act and NDPS Act, Pudukottai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.

+1 cc to M/s.S.Rajaprabhu, Advocate in SR.No.29091

sj

CSL/SKS-RR/SAR-II/14.06.2016 : 2P/5C

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