



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 04.04.2018
DELIVERED ON : 13.04.2018

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THE HONOURABLE MRS.JUSTICE R.THARANI

Crl. R.C.(MD)No.111 of 2017

Ramachandran

.. Petitioner

Vs.

The Inspector of Police,
NIB CID Police Station,
Madurai,
Madurai District.
Crime No.215 of 2015

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records the order passed by the learned Additional District and Principal Special Court for NDPS Act Cases, Madurai in Cr.M.P.No.2626 of 2016 dated 29.09.2016 and set aside the same.

For Petitioner : Mr.M.Ramu
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl. Side)

ORDER

Heard Mr.M.Ramu, learned counsel appearing for the petitioner and Mr.K.Sumbulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This appeal has been filed to set aside the order passed by the learned Additional District and Principal Special Court for NDPS Act Cases, Madurai in Cr.M.P.No.2626 of 2016 dated 29.09.2016

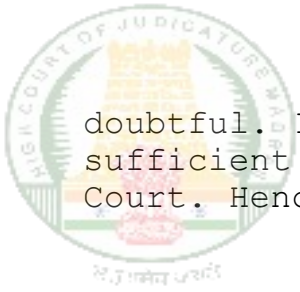
3.On the side of the petitioner, it is stated that the respondent registered a case against the accused in Crime No.215 of 2015 under Sections 8(c) r/w. 20(B) (ii)(C) and 25, 29(1) of NDPS Act, wherein a vehicle viz., Mahindra Max XYLO Car bearing Registration No.TN 43 z 6264 is seized. The petitioner filed an application to return the above vehicle and the application was dismissed and hence, the petitioner filed this petition to set aside the same.



4. On the side of the petitioner, it is further stated that the petitioner has purchased the vehicle viz., XYLO Car. The petitioner is the third purchaser and the petitioner is not an accused in NDPS case. The occurrence alleged to have taken place on 15.11.2014 and the Car was produced before the Court on 09.12.2014 and the Finance Company sold the Car on 20.06.2009 to the petitioner and the petitioner has purchased the Car before the date of occurrence and transferred the name only on 15.07.2015. The lower Court has come to a wrong conclusion that the vehicle has to be produced before the RTO for changing the name of the vehicle owner and prayed that the vehicle to be returned to the petitioner.

5. On the side of the respondent, it is stated that occurrence took place on 15.11.2014 and the petitioner is not the owner of the vehicle at the time of the occurrence and the offences under Sections 8(c) r/w. 20(B) (ii) (C) and 25, 29(1) of NDPS Act, which is serious in nature and the property involved is 250 kgm of Kanja and one Manaf Ali S/o Ali Hasan is the owner of the property. The vehicle receipt is not a legally valid document. Only on 15.07.2015, owner of the vehicle's name is transferred in favour of the petitioner I.e. after nine months from the date of occurrence. Only with the motive to drag on the case, this document is created and the transaction has been done only after the occurrence knowing fully about the involvement of the Car in the commission of the offence and hence, the petition is objected.

6. Records perused. During the time of the occurrence, the vehicle Mahindra XYLO car bearing registration No. TN 43 Z 6264 was owned by one Manaf Ali, s/o. Ali Hasan. On the side of the petitioner, it is stated that the petitioner purchased the property from one Janarthanan. The petitioner has not filed any document to prove that he has purchased the said property from the said Janarthanan. Only the receipt of payment is filed on the side of the petitioner. The receipt was stated to have been issued by one Smitha. The receipt has no date and name of the person who got it, is not given and who is Smitha and as to how she is related to the vehicle were not stated in the document. The petitioner's statement is that even prior to the date of occurrence, the petitioner is the owner of the vehicle. If it is so, the petitioner has to explain as to how his vehicle is involved in the occurrence without his knowledge. However, no explanation was given by the petitioner. Only after the vehicle is seized by the respondent, the petitioner got the name transferred to his name. If the petitioner purchased the property before the date of occurrence, the reason for delay in transferring the name is not elicited by the petitioner and as to why from the date of occurrence till the date of name transfer the petitioner has not taken any steps during this period is not stated. It is clear that the property was registered only 15.07.2015. So the name was transferred only with a motive to get the vehicle from the Court. There is a chance for the vehicle being used for commission of similar offence again. The ownership of the petitioner is



doubtful. In this circumstances, there is no merits and there is no sufficient grounds to interfere with the orders passed by the lower Court. Hence, this petition is dismissed. No costs.

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Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Additional District and Principal Special Court
for NDPS Act Cases, Madurai.

+ 1 CC TO Mr.M.RAMU, ADVOCATE IN SR No. 61721

MRN

TE/JC/SAR-4 : 24/04/2018 : 3P/3C

Cr1. R.C.(MD)No.111 of 2017
13.04.2018