

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2019

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1530 of 2012

Suguna

... Petitioner/Petitioner

vs

State rep by,
The Inspector of Police,
Magudanchavadi P.S.
Salem District.
Crime No.500 of 2004

... Respondent/Respondent

Prayer Criminal Revision filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in the order passed by the learned Special Judge, EC & NDPS Act at Salem in Crl.M.P.No.948 of 2004 dated 06.01.2005 in Crime No.500 of 2004 on the file fo the Magundachavadi Police Station, Salem District, and modify the order of deposit of Rs.75,000/- for the release of vehicle Ambassador Car bearing Regn No.TNC 3016.

For Petitioner : Mr.Ramesh Kumar Chopra

For Respondent : Mr.T.Shanmugarajeshwaran

Government Advocate(Criminal Side)

ORDER

This Criminal Revision Case has been filed to call for the records pertaining to order passed by the learned Special Judge, EC & NDPS Act at Salem in Crl.M.P.No.948 of 2004 dated 06.01.2005 in Crime No.500 of 2004 on the file of Magundachavadi Police Station, Salem District, and modify the order of deposit of Rs.75,000/- for the release of vehicle viz Ambassador Car bearing Regn No.TNC 3016.

2 The respondent police registered a case against the revision petitioner and 7 other persons in Crime No.500 of 2004 for the alleged offence under NDPS Act. During the investigation, the revision petitioner / 3rd party filed a petition for return of property viz Ambassador car bearing Regn No.TNC 3016 and the petitioner is claimed to be an owner of the property. He has been implicated as accused. However, the petitioner was not involved in the occurrence. Therefore, the car has to be returned. The learned Special Judge, stated that

the accused was in possession of 120 KG Ganja without any valid licence or permit. Since the revision petitioner is a third party, claiming the owner of the property, till the disposal of the case, the car could be returned to the owner subject to the following conditions:

1. The petitioner/accused must deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) towards cash security.
 2. The petitioner is further directed not to alienate or encumber the said vehicle pending disposal of the case,
 3. The petitioner is directed not to change the colour or parts of the vehicle till the disposal of the case,
- Challenging the said conditions imposed by the Magistrate, he has filed the present revision.

3 The learned Government Advocate (Criminal Side) would submit that after completing the investigation, charge sheet was filed before the Special Court and the case was also taken on file in S.C.No.104 of 2005. Subsequently, the case was split up against the accused 2 and 5, since they have absconded in S.C.No.27 of 2010. The case against A1, A3 and A4 in S.C.No.104 of 2005 was disposed of on 13.06.2004. As against A2 and A5, case is still pending and on reading of the entire records, it is seen that the car was seized at the time of investigation and the revision petitioner claimed to be the owner of the property. But, whether the car is involved in the offence or not will be decided only in the trial. Therefore, the Special Court rightly allowed the petition under Section 451 Cr.P.C., directing to return the car subject to condition that the petitioner must deposit a sum of Rs.75,000/-. Therefore, considering the nature of the offence and the circumstances of the case, this Court does not find any perversity in the order passed by the Special Court.

4 On reading of the entire material records, it is relevant to point out that the conditional order was passed on 06.01.2005 and the revision has been filed in the year 2012. This Court does not find any merits in this revision. Accordingly, the present Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

sbn

To

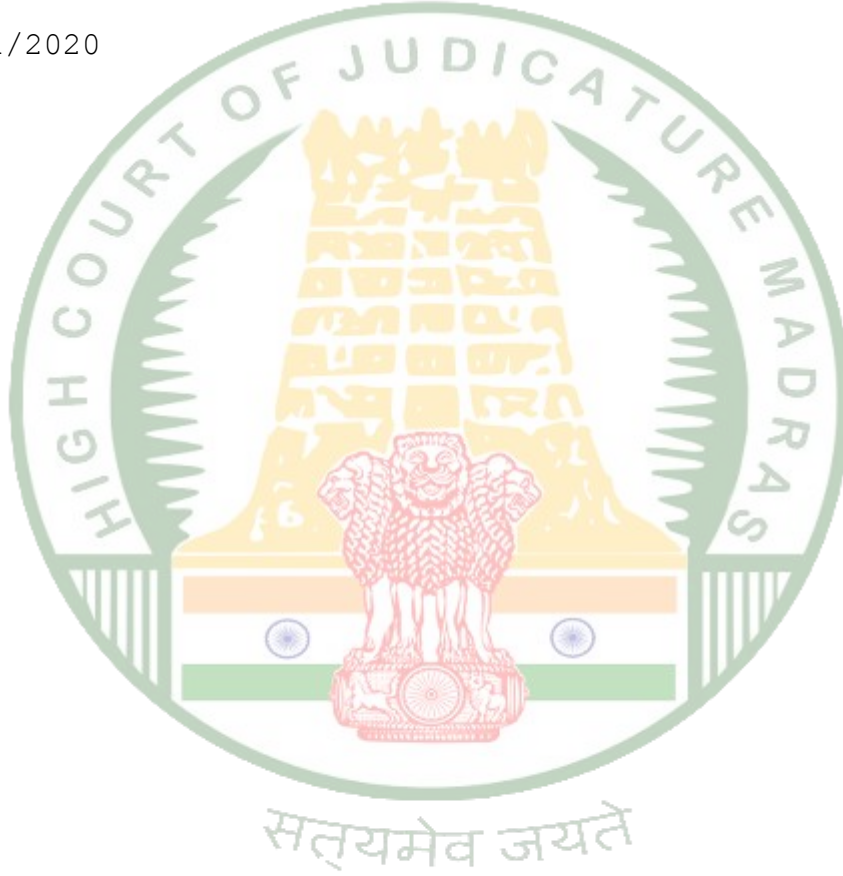
1.The Special Judge,
EC & NDPS Act, Salem.

2.The Inspector of Police,
Magudanchavadi P.S., Salem District.

3.The Public Prosecutor,
High Court, Madras.

Cr1.RC.No.1530 of 2012

SJ(CO)
CSR: 29/01/2020



WEB COPY