



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28.02.2020

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

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Cr1.A.(MD)No.45 of 2016

Madathi : Appellant/Petitioner/A2

Vs.

State represented by
The Inspector of Police,
C-4, Thilagar Thidal Police Station,
Madurai City.

(Crime No.11 of 2012) : Respondent/Respondent/Complainant

Prayer: Criminal Appeal filed under section 454 of the Criminal Procedure Code against to call for records as the return order passed by the Additional District Judge of Principal Special Court for EC & NDPS Act cases, Madurai, in Cr.MP No.2905 of 2014 in C.C.No66 of 2012, and set aside the return order dated 26.12.2014.

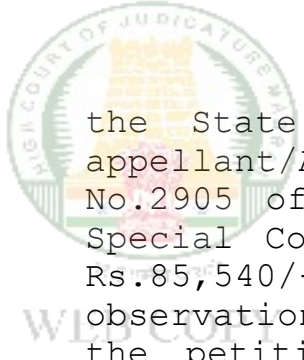
For Appellant : Mr.S.Mahendrapathy

For Respondent : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Appeal is directed against the order passed by the Additional District Judge, Principal Special Court for EC & NDPS Act cases, Madurai, in Cr.MP No.2905 of 2014 in C.C.No.66 of 2012, dated 26.12.2014.

2.According to the prosecution, on 03.01.2012, while the respondent police on patrol duty, they found the appellant/A2 along with A1 and A3 in the Car TN-63-4869 and on search, they found 2 kgs of Ganja and Rs.85,540/- cash and the same was seized and after investigation, the case was charge sheeted in C.C No.66 of 2012 before the Additional District Judge, Principal Special Court for EC and NDPS Act cases, Madurai. After full fledged trial, the appellant/A2 and others were acquitted from all the charges levelled against them and the amount of Rs.85,540/-, which was recovered by way of attachi was ordered to be confiscated to



the State Government, after expiry of the appeal time. The appellant/A2 filed a petition under section 452 Cr.P.C in CrI.M.P No.2905 of 2014 before the Additional District Judge, Principal Special Court for EC and NDPS Act cases, Madurai for return of Rs.85,540/-. The said petition was returned on 26.12.2014 with observation that already the case was disposed on 06.03.2014 and the petitioner was acquitted from the case and regarding the property, final order has been passed as confiscated the amount to the State after expiry of the appeal. Aggrieved over the same, the appellant/A2 is before this court.

3.The learned counsel appearing for the appellant/A2 submitted that at the time of seizure itself, the amount of Rs.85,540/-, along with 2 kgs of ganja were recovered and marked as Ex.P1 Athatchi during trial and in this case, PW3 Sub Inspector of Police, in her evidence deposed that the amount of Rs.85,540/- was recovered from the appellant/A2 and hence, the impugned order passed by the trial court is liable to be set, by allowing the criminal revision.

4.On the other hand, it is argued on the side of the learned Additional Public Prosecutor that the trial court has rightly confiscated the amount to the State after expiry of the appeal time and prays for dismissal of the criminal revision.

5.Heard both sides and perused the materials available on record.

6.It is seen from the records that the appellant has been arrayed as A2 along with other two accused in connection with a case in C.C No.66 of 2012 on the file of the Principal Special Court for EC & NDPS Act cases, Madurai. The trial court after full fledged trial, has acquitted the appellant/A2 and other accused from the charges levelled against them. In so far as the properties (MO1 to MO3) are concerned, the trial court ordered the same to be sent to the concerned officials for destruction after the expiry of appeal and further, the amount of Rs.85,540/- is ordered to be confiscated to the State Government, after expiry of the appeal time. The appellant/A2 has filed a petition under section 452 of Cr.P.C in CrI.M.P. No.2905 of 2014 to return the amount of Rs.85,540/- before the Additional District Judge, Principal Special Court for EC & NDPS Act cases, Madurai. The said petition was returned on 26.12.2014 with an observation that already the case was disposed of on 06.03.2014 and the appellant/A2 and others were acquitted from the case and in respect of property, final order has already been passed as confiscated the amount to the State Government after the expiry of the appeal. It is to be noted that the appellant/A2 has claimed



return of the amount of Rs.85,540/-. But on the side of the appellant/A2, no proof was filed to the effect that recovered amount was belonged to the appellant/A2. Hence, the trial court has rightly ordered to confiscate the amount of Rs.85,540/- to the State Government after expiry of the appeal.

7.For the reasons stated above, this court is of the considered view that the impugned order passed by the trial court is correct and accordingly, it is confirmed.

8.In the result, the criminal appeal fails and the same is **dismissed**.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To,

1.The Additional District Judge,
Principal Special Court for
EC and NDPS Act cases, Madurai.

2.The Inspector of Police,
C-4, Thilagar Thidal Police Station,
Madurai City.

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

Cr1.A.(MD)No.45 of 2016

28.02.2020

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