

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.994 of 2020

Sankaralingam

... Petitioner

Vs.

The Inspector of Police,
B2, Vishnu Kanchi Police Station,
Kanchipuram.

... Respondent/Complainant

Criminal Revision Case is filed under Section 397(1) and 401 Cr.P.C. to set aside the order dated 14.10.2020 passed in Crl.M.P.No.1319 of 2020 by the Principal Special Judge, The Special Court under EC and NDPS Act, Chennai in Crime No.519 of 2019 on the file of the Inspector of Police, Vishnu Kanchi Police Station, Kanchipuram.

For Petitioner : Mr.K.M.Balaji

For Respondent : Mr.K.Madhan
Government Advocate (Crl.Side)

ORDER

This Criminal Revision has been filed challenging the order dated 14.10.2020 passed in Crl.M.P.No.1319 of 2020 by the Principal Special Judge, The Special Court under EC and NDPS Act, Chennai, in Crime No.519 of 2019 on the file of the Inspector of Police, B2 Vishnu Kanchi Police Station, Kanchipuram.

2. The petitioner is the owner of the vehicle (Pulsar NS200 BSiv) bearing Reg.No.TN-73-Q-7588, which was seized on 29.10.2019 and a case was registered against the son of the petitioner in Crime No.519 of 2019 for the offence under Sections 8(c) & 20(b)(ii)(B) of the Narcotics Drugs & Psychotropic Substances Act, 1985. The petitioner filed

Crl.M.P.No.1319 of 2020 before the Principal Special Judge, The Special Court under EC and NDPS Act, Chennai, under Section 451 Cr.P.C. for return of the vehicle, which was dismissed on 14.10.2020, challenging which, the petitioner has preferred the present revision petition.

3. Learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and seeks interim custody of the vehicle as it is in the open space in the exposure to sun and rain and will get damaged if it remains in the open air. Even as per the direction of the hon'ble Supreme Court in Sunderbhai Ambalal Desai Vs. State of Gujarat, the photo of the vehicle can be taken and the interim custody can be given to the owner of the vehicle.

4. Mr.K.Madhan, learned Government Advocate (Crl.Side) would submit that the investigation is completed and a charge sheet is also filed. The Police records/seizure Mahazar and even the photographs taken also shows the vehicle number as TN-73-Q-7585. However, the registration number of the said vehicle has been changed, the vehicle is involved in the offence under Sections 8 (c) & 20(b)(ii)(B) of the NDPS Act. Hence, he opposed for release of the vehicle.

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

6. On a careful reading of records, this Court finds that the petitioner is the owner of the vehicle. The Engine Number and the Chassis Number of the seized vehicle tallied with the Mahazar wherears, the registration number did not tally, which itself shows that the petitioner has a habit of changing the number plate and used the vehicle for the illegal purpose.

7. Under these circumstances, without expressing any view and without going into the merits of the case and even considering the nature of the case, this Court is not inclined to grant interim custody of the vehicle to the petitioner. Therefore, the Criminal Revision stands dismissed.

WEB COPY

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sni

To

1.The Inspector of Police,
B2, Vishnu Kanchi Police Station,
Kanchipuram.

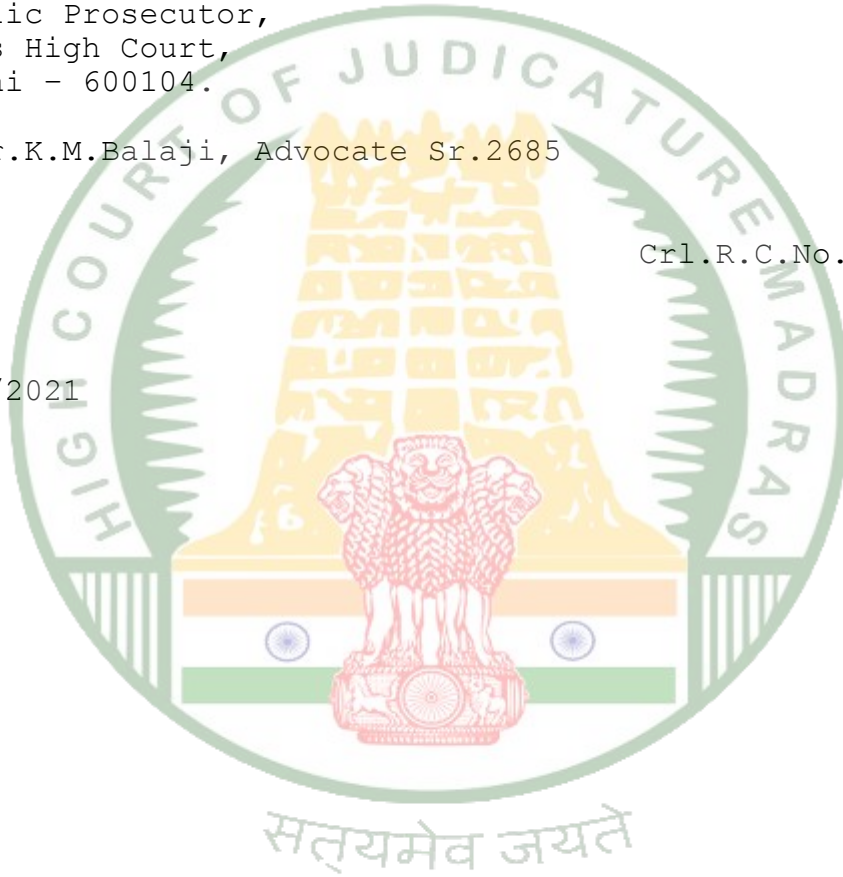
2.The Principal Special Judge,
The Special Court under EC and NDPS Act, Chennai

3.The Public Prosecutor,
Madras High Court,
Chennai - 600104.

+1cc to Mr.K.M.Balaji, Advocate Sr.2685

Cr1.R.C.No.994 of 2020

sr[co]
srg 18/02/2021



WEB COPY