

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1045 of 2020

P.Subramani

... Petitioner/Owner of
Property

Vs.

1.State rep by :

The Inspector of Police,
Namakkal Police Station,
Namakkal District.

(Crime No.895 of 2020)

... 1st respondent/Complainant

2.Elamparuthi

... 2nd Respondent/Accused

Criminal Revision Case is filed under Section 397(1) and 401 CrI.P.C. to set aside the order dated 06.10.2020 passed by the Special Judge for EC/NDPS Act cases, Salem in Cr.M.P.No.435 of 2020 in Crime No.895 of 2020 on the file of the Inspector of Police, Namakkal and order to give interim custody of his vehicle namely HONDA AMAZE Car bearing Reg.No.TN-30-BK-7714 (Chassis No.MAKDF652EJ4000572, Engine No.NI5A11802302).

For Petitioner :Mr.B.Vasudevan

For Respondents:Mr.K.Madhan [R1]

Government Advocate (CrI.Side)

ORDER

This Criminal Revision has been filed challenging the order dated 06.10.2020 passed in Cr.M.P.No.435 of 2020 by the Special Judge for EC/NDPS Act cases, Salem, and to give interim custody of the vehicle of the petitioner.

2. The petitioner is the owner of the vehicle (HONDA AMAZE Car) bearing Reg.No.TN-30-BK-7714, which was seized on 17.07.2020 and a case was registered in Crime No.895 of 2020 for the offence under Sections 8(c) & 20(b)(ii)(B) of the Narcotics Drugs & Psychotropic Substances Act, 1985. The petitioner filed Cr.M.P.No.435 of 2020 before the Special Judge for EC/NDPS Act Cases, Salem, under Section 451 Cr.P.C. for interim custody of the vehicle, which was dismissed on 06.10.2020, 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 he requires the vehicle for his day to day work. As the vehicle is in Police Station open to sun and rain, the value of the vehicle will diminish. The allegation is against the son of the petitioner that he was involved in the NDPS case, therefore, he undertakes to abide any condition imposed on him and seeks interim custody of the vehicle.

4. Mr.K.Madhan, learned Government Advocate (Crl.Side) appearing for the first respondent-Police would submit that the investigation is not yet completed and the charge sheet is not filed. Therefore, he opposed for releasing the vehicle.

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

6. Considering the submissions made by the learned Government Advocate that the investigation is still pending and the charge sheet is not filed and considering the nature of offence, this Court is not inclined to grant interim custody of the vehicle to the petitioner. Therefore, this Criminal Revision stands dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Namakkal Police Station,
Namakkal District.

2.Special Judge for EC/NDPS Act cases,
Salem.

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

Crl.R.C.No.1045 of 2020

SR(CO)
RMP(17/02/2021)