



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.672 OF 2021

P.Suresh
S/o, Perumal

...Petitioner / Petitioner /
Owner of the Vehicle

Versus

State by
The Inspector of Police,
Prohibition Enforcement Wing,
Police Station,
Cheyyar,
Tiruvannamalai District.

...Respondent / Respondent /
Complainant

PRAYER : Criminal Revision Petition filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records of the learned Additional District Judge, Presiding Officer, Special Court under EC/NDPS Act Cases, Salem, set aside the order passed in Crl.M.P.No.693 of 2021 dated 20.09.2021 and order Return of the abovesaid vehicle viz. Maruti Suzuki Swift Dzire VDI Car bearing Registration.TN-22-CX-3011, Chasis No.MA3FSEBIS00379068, Engin No.D13A1627387, concerned in Crime No.539 of 2020 on the file of the Inspector of Police, Prohibition Enforcement Wing, Police Station Cheyyar, Tiruvannamalai District to the custody of the petitioner herein.

For Petitioner : Mr.A.Murugavel

For Respondent : Mr.M.Sugendran
Government Advocate, (Criminal Side)

ORDER

This Criminal Revision Petition has been filed to call for the records of the learned Additional District Judge, Presiding Officer, Special Court under EC/NDPS Act Cases, Salem to set aside the order passed in Crl.M.P.No.693 of 2021 dated 20.09.2021 and order return of the abovesaid vehicle viz. Maruti Suzuki Swift Dzire VDI Car bearing Registration.TN-22-CX-3011, Chasis No.MA3FSEBIS00379068, Engine No.D13A1627387, concerned in



Crime No.539 of 2020 on the file of the Inspector of Police, Prohibition Enforcement Wing, Police Station Cheyyar, Tiruvannamalai District to the custody of the petitioner herein.

2. Learned counsel for the petitioner would submit that it is a putup case. During the pendency of the investigation, the petitioner has filed the petition to return the vehicle and the same was dismissed by the learned Magistrate, Challenging the said order, the petitioner has filed the present Revision before this Court.

3. Learned Government Advocate (Criminal Side) appearing for the respondent would submit that the accused was alleged to have used the said vehicle for illegal transportation of contraband.

4. During the pendency of the charge sheet, the return of vehicle is purely the discretionary power of the Court below. Unless, the exercise of the discretionary power is arbitrary or malafide, the Revision Court will not interfere with the order of the Magistrate court. However, considering the fact, that the contraband which is seized by the Authority is weighing about 1 ½ Kgs and taking note of the serious nature of the offence, the vehicle has to be subjected to confiscation. Therefore, this Court is not inclined to interfere with the order passed by the Court below and the Revision petition is liable to be dismissed. Accordingly, the Revision Case is dismissed.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

mfa

To

1.The Additional District Judge,
Presiding Officer,
Special Court under EC/NDPS Act Cases,
Salem.

2.The Inspector of Police,
Prohibition Enforcement Wing,
Police Station,
Cheyyar,
Tiruvannamalai District.



3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.A.Murugavel, Advocate SR.No.55519

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SRA (CO)
RVM (29/12/2021)