

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1262 of 2020

G.Thangaraj

... Petitioner/petitioner

...vs...

State rep by its
The Inspector of Police,
Kitchipalayam Police Station,
Kitchipalayam,
Salem District.
(Crime No.575 of 2020)

... Respondent/complaint

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to call for the records relating to the proceedings in Cr.M.P.No.409 of 2020 by the Special Judge, EC/NDPS Act Cases Salem, Salem District dated 30.09.2020 in connection with the FIR in Crime No.575 of 2020 on the file of the Inspector of Police, Kitchipalayam Police Station, Kitchipalayam, Salem District and set aside the same.

For Petitioner

:

Mr. C.Venkatesan
for Mr.R.Muruga Bharathi

For Respondent

:

Mr.A.Madhan
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 30.09.2020 passed in Cr1.M.P.No.409 of 2020, on the file of the learned Special Judge, EC/NDPS Act Cases Salem, Salem District, rejecting the application filed by the petitioner herein under Section 451 Cr.P.C., seeking return of vehicle bearing No.TN 54-T-6675, which was involved in the offence under Sections 8(c) r/w 20 (b)(ii)(B) NDPS Act.

2. According to the learned counsel for the petitioner, the petitioner is the owner of the seized vehicle and he used the vehicle only for his day-to-day necessities and not for any illegal transportation of ganga as stated by the prosecution. Hence, he seeks return of vehicle.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that investigation has not yet been completed and charge sheet has also not been filed and hence the vehicle in question cannot be released at this stage.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. It is seen that in the present case, investigation is pending and charge sheet is not yet been filed. Under these circumstances, if the vehicle is released, there would be a possibility of changing the Engine and Chassis Numbers, which would defeat the entire case of the prosecution. Hence this Court is not inclined to exercise its discretionary power to entertain the present criminal revision case. However, it is always open to the petitioner to avail his remedy before the appropriate forum, after filing of charge sheet by the respondent police, if he deserves. The respondent police is directed to expedite the investigation and file a charge sheet within a reasonable period of time.

6. With the above observations, this criminal revision case is dismissed.

सत्यमेव जयते

-s/d-

Assistant Registrar

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Sub-Assistant Registrar

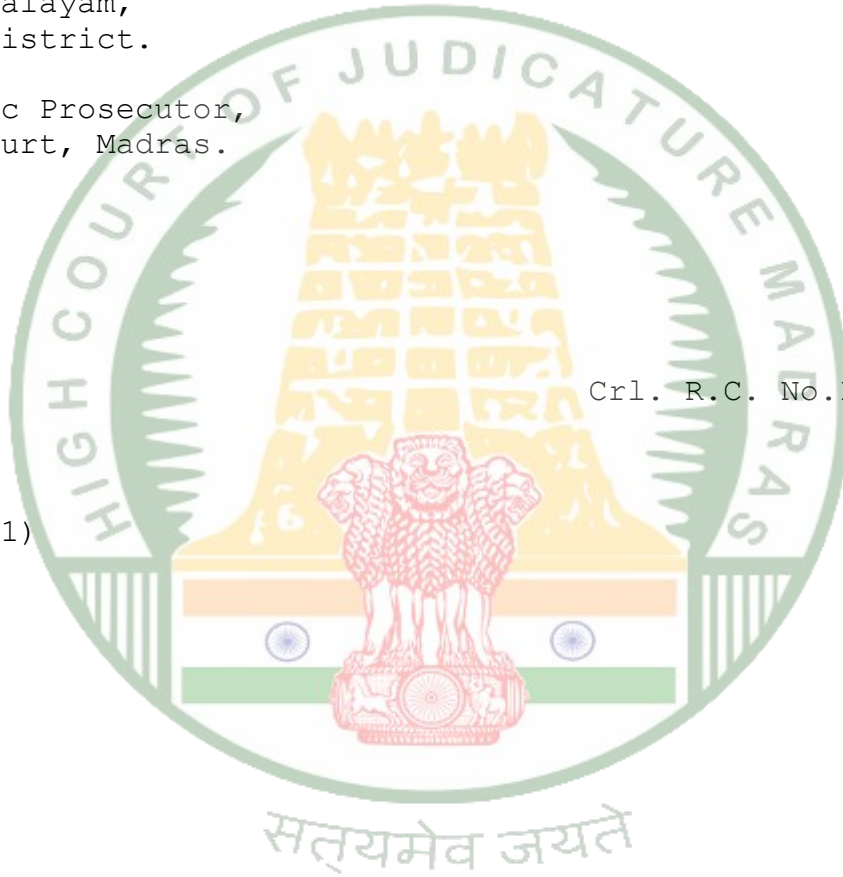
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To

1. The Special Judge, EC/NDPS Act Cases Salem,
Salem District.
2. The Inspector of Police,
Kitchipalayam Police Station,
Kitchipalayam,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

AK (CO)
KP (12/02/2021)

Cr1. R.C. No.1262 of 2020



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