



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.01.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.10 of 2021

Chandran

.. Petitioner

Vs.

State rep. By,
The Sub Inspector of Police,
Teppakulam Police Station,
Madurai District.
Crime No.652 of 2019.

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to call for the records of the Principal Special Court for EC & NDPS Act Cases, Madurai (Additional District Judge/Presiding Officer, Madurai) in Crl.M.P.No.289 of 2019 on 17.08.2020 and to set aside the condition with regard to surrender of the original registration certificate before this Court.

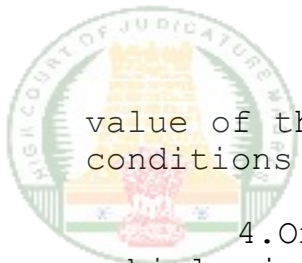
For Petitioner	: Mr.Muthumanickam
For Respondent	: Mrs.S.Bharathi Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.289 of 2020 dated 17.08.2020, on the file of the Principal Special Court for EC & NDPS Act Cases, Madurai (Additional District Judge/Presiding Officer).

2.The petitioner claims to be the owner of the two wheeler bearing registration No.TN-64-E-7326, which was seized by the respondent Police in Crime No.652 of 2019 for the offence under Sections 8(c) r/w. 20(b)(ii)(c), 25 and 29(1) of NDPS Act. The petitioner has filed a petition in Cr.M.P.No.289 of 2019 before the Principal Special Court for EC & NDPS Act Cases, Madurai (Additional District Judge/Presiding Officer, Madurai) for return of the vehicle. The trial Court allowed the petition filed by the petitioner by imposing a condition to the effect that "the trial Court is inclined to return the vehicle on interim custody to the petitioner on condition, to surrender the original Registration Certificate to the trial Court". Challenging the aforesaid condition, the petitioner has preferred this revision case.

3.On the side of the petitioner, it is stated that the R.C.Book of the vehicle was already surrendered before the Judicial Magistrate No.I, Madurai, in connection with another case and hence, the first condition, to surrender the Original R.C.Book, again is impossible to comply with. It is further stated that from 17.10.2019 onwards the vehicle is kept in the open place and the



value of the vehicle will be deteriorated day by day due to climatic conditions and hence, prayed the petition to be allowed.

4. On the side of the respondent, it is stated that if the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence and prayed the petition to be dismissed.

5. It is seen that the vehicle is used again and again for commission of similar offence. It is seen that already the R.C.Book of the vehicle was surrendered before the Judicial Magistrate No.I, Madurai, in R.P.No.145 of 2014 on 22.04.2019. On the side of the petitioner, it is stated that the petitioner is ready to give an undertaking affidavit that the vehicle will not be used for commission of any offence, in future. Since the vehicle is kept idle in the custody from 17.10.2019 onwards, the value of the vehicle will be deteriorated day by day.

6. In the above circumstances, this Court is inclined to return the two wheeler by modifying the first condition to the effect that the surrender of R.C.Book in S.C.No.17 of 2020, before the 4th Additional District Judge for PCR Cases, will be taken as a surrender in R.P.R.No.145 of 2014 also. In respect of other conditions, the order of the Judge shall remain unaltered. The R.C. Book deposited in S.C.No.17 of 2020 in Crime No.473 of 2014 cannot be returned to the petitioner till the completion of the case before the trial Court or until further orders from this Court. If at all the vehicle was used for commission of any other offence, the entire order of return of the property will be hereby cancelled and the vehicle will be liable to be confiscated as per law.

7. Accordingly, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1.The Judge, Principal Special Court for EC & NDPS Act Cases,
Madurai (Additional District Judge/Presiding Officer, Madurai)

2.The Sub Inspector of Police,
Teppakulam Police Station,
Madurai District.

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

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