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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.47 of 2022

Aravind

...Petitioner/Petitioner

Vs.

State rep. by
The Inspector of Police,
Puzhal Police Station,
Chennai District,
(Crime No.145 of 2021)

...Respondent/Respondent

PRAYER: The Criminal Revision Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 16.12.2021 made in Crl.M.P.No.3729 of 2021 on the file of the Principal Special Court Under EC For NDPS Act, Chennai.

For Petitioner : Mr. R.Parthiban

For Respondent : Mr.S.Sugendran

Government Advocate [Crl. Side]

O R D E R

(The case has been heard through Video Conferencing)

This Criminal Revision Petition has been filed against the dismissal of the petition seeking for return of property.

2. Learned counsel appearing for the petitioner would submit that the petitioner is the owner of the Honda due two wheeler bearing Registration No. TN-05-BT-2000 bearing Engine No.JF39ET5035177 and Chasis No.ME4JF39JJJT023711. ON 04.05.2021, the petitioner had given lift to his friend one Sundar and without knowledge of the petitioner, he carried 3 kgs of ganja. The respondent registered a case in Crime No.145 of 2021 for the offence under Sections 8(c), 20(b)(ii)(B) and 25 of NDPS Act. The petitioner and his friend were arrested and his vehicle was also seized by the respondent. Learned counsel for the petitioner would submit that the vehicle is parked in the open area exposed to vagaries of weather and thereby the value of the vehicle is diminishing day by day. He would further submit that the petitioner had filed Crl.M.P.No.3279 of 2021 seeking for return of property and the Trial Court had dismissed



the application by its order dated 16.12.2021. He would also submit that the petitioner is prepared to give an undertaking that he will not dispose or alter the vehicle till the disposal of the trial and that he would abide any stringent conditions that may be imposed on him and that the petitioner is prepared to produce the vehicle before the authorities or before the Court as and when required by them either for the purpose of investigation or trial and he is also prepared to produce the original RC book before the concerned Court. Learned counsel would further submit that there is no other case against the petitioner and thereby would seek to set aside the impugned order and direct the release of the vehicle.

3. Mr.S.Sugendran, learned Government Advocate (Crl.Side) appearing for the respondent would submit that when the petitioner along with the first accused in this case transported 3 kgs of ganja and they were intercepted by the respondent police and that the contraband and the vehicle were seized and they were remanded to the judicial custody. He would further submit that the trial court had dismissed the application stating that the if the two wheeler is returned to the petitioner, it would affect the investigation and the same is required for evidence. He would further submit that investigation has been completed and the charge sheet has been filed before the trial Court. However, it is not taken on file.

4.Heard the learned counsels and perused the materials on record.

5.Taking into consideration that the investigation has been completed and the final report has been filed, this Court is of the opinion that the interim custody of the vehicle can be granted to the petitioner.

6. In view of the above, the order dated dated 16.12.2021 made in Crl.M.P.No.3729 of 2021 stands set aside and the Criminal Revision Petition stands allowed and the interim custody of the vehicle is directed to be handed over to the petitioner subject to the following conditions:

a) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Principal Special Court Under EC & NDPS Act, Chennai, within 15 days from the date of commencement of the court's normal functioning, failing which this order shall stand dismissed automatically.

b) The petitioner shall produce the Original RC book of the vehicle in question before the concerned Trial Court and file an affidavit of undertaking that he will not dispose or alter



physical features of the vehicle and that he will produce the vehicle before the trial Court as when required by the trial Court or the Investigating Agency.

c) The RC book of the vehicle shall be retained by the trial Court till the disposal of the trial or until further orders.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vri/shk

To

1.Principal Special Court Under EC & NDPS Act,
Chennai.

2.The Inspector of Police,
Puzhal Police Station,
Chennai District,

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Parthiban, Advocate, S.R.No.4162

Cr1.R.C.No.47 of 2021

BS (CO)
KKV/02/02/2021