



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.726 of 2022

Vishnu (M/22)

... Petitioner/Accused

Versus

State Rep.by
The Inspector of Police,
J-13 Tharamani Police Station,
Chennai.

... Respondent/Complainant

Criminal Revision Case filed under Section 397 read with 401 Code of Criminal Procedure, to set aside the order made in Crl.M.P.No.1306 of 2022 in Crime No.552 of 2021 dated 11.04.2022 on the file of the Learned Principal Special Court under EC & NDPS Act, Chennai.

For Petitioner : Mr.V.Balamurugan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.side)

O R D E R

This Criminal Revision is filed aggrieved by the order dated 11.04.2022 in Crl.M.P.No.1306 of 2022 on the file of the Learned Principal Special Court under EC & NDPS Act, Chennai, whereby the prayer for interim custody of the vehicle viz., YAMAHA two wheeler, bearing Registration No.TN 07 CW 7978 has been rejected.

2.The learned Judge has taken note of the fact that the case is for the offence under Section 8(c) r/w 20(b)(ii) (B) of the NDPS Act, for having illegal possession of 1.200 Kg of Ganja, and the same was seized by the respondent/Police.

3.The learned counsel appearing on behalf of the petitioner would submit that even though the said 1.2 Kg of Ganja and Rs.1,200/- was seized from A1, it was not seized from the petitioner's vehicle and the said contraband was recovered from the other accused, who was also involved in the same case. Therefore, he prays to allow this petition.

4.The learned Government Advocate (Crl.side) appearing for



the respondent/police was also not in a position to refute the said submissions of the learned counsel for the petitioner.

5. In view thereof, this is a fit case for grant of interim custody of the vehicle. Therefore, the petitioner is entitled for the release of the above said vehicle on the following conditions:-

(i) The order of the Learned Principal Special Court, under EC & NDPS Act, Chennai, in CrI.M.P.No.1306 of 2022, dated 11.04.2022, is set aside;

(ii) The petitioner will be entitled for return of the YAMAHA MT 15, bearing Registration No.TN 07- CW- 7978;

(iii) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(iv) The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over;

(v) The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent and by the Court below and as well as by the District Collector of the District or authorized officer in that behalf by the Government;

(vii) The petitioner shall participate in the confiscation proceedings if any, initiated and shall produce the vehicle before the confiscation authority. This order is subject to the confiscation proceedings;

(viii) The petitioner shall not indulge in the similar offence either by using the present vehicle or any other vehicle. If the petitioner is found to be involved in any of similar offence in future either by way using the present vehicle or through any other vehicle, this order of returning the present vehicle (YAMAHA MT 15, bearing Registration No.TN 07- CW- 7978), shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned.

6. Accordingly, the Criminal Revision Case is allowed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

klt



To

1.The Principal Special Court under EC & NDPS Act,
Chennai.

2.The Inspector of Police,
J-13 Tharamani Police Station, Chennai.

3.The Public Prosecutor,
High Court of Madras.

+1cc to M/s.V.Balamurugan, Advocate, S.R.No.36148

Cr1.R.C.No.726 of 2022

RK(CO)
SB(30/06/2022)