



Crl.R.C.No.827 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 01.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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S.Jeeva

... Petitioner

Versus

State rep. by
The Inspector of Police,
Attaiyampatti Police Station,
Salem District.
(Cr.No.831 of 2020)

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 Cr.P.C, to call for the records and set aside the order, dated 25.08.2021 of the learned Special Judge for EC/NDPS Act cases, Salem in Crl.M.P.No.438 of 2021 and to direct the respondent to return the vehicle viz., Dio Motor Bike bearing Registration No.TN-54-Q-5971 to the petitioner in Crime No.831 of 2021 pending on the file of the respondent.

For Petitioner : Mr.R.M.Venkatesh

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

ORDER

This Revision Petition is filed challenging the order, dated 25.08.2021 in C.M.P.No.438 of 2021 passed by the learned Special Judge for EC/NDPS Act cases, Salem, whereby, the petition filed for interim



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custody of the Dio Motor Bike, bearing registration No.TN54 Q 5971 was rejected by the learned Judge.

2. It is seen that the petitioner is not an accused and he is the lawful owner of the vehicle. In that view of the matter, the embargo under the Act for confiscation does not apply to the petitioner. Therefore, so as to prevent the vehicle from getting wasted, I am of the view that this is a fit case where the interim custody of the vehicle can be granted to the petitioner on the following conditions:-

(i) The order of the learned Special Judge for EC/NDPS Act cases, Salem in Crl.M.P.No.438 of 2021, dated 25.08.2021, is set aside;

(ii) The petitioner will be entitled for return of the Dio Motor Bike, bearing registration No.TN54 Q 5971, having Chassis No.ME4JF39ECJT024492, Engine No.JF39ET2074929.

(iii) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Judge, 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



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to use the vehicle;

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(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.

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

(vii) 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 (Dio Motor Bike, bearing registration No.TN54 Q 5971,



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having Chassis No.ME4JF39ECJT024492, Engine No.JF39ET2074929),
shall stand automatically vacated, and this vehicle will be again seized by
the respondent/police and produce before the Court concerned;

3. The Criminal Revision Case is allowed accordingly.

01.07.2022

Index : yes/no

Speaking/Non-speaking order

grs

To

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



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D.BHARATHA CHAKRAVARTHY, J.

grs

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