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Crl.R.C.No.809 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.809 of 2022

Henry Franklin,
S/o.John Peter

... Petitioner

Versus

The State Rep. by,
Inspector of Police,
J-13, Tharamani Police Station,
Chennai.
(Crime No.98/2022)

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the dismissal order passed by the learned Principal Special Court under EC & NDPS Act, Chennai in Crl.M.P.No.1630 of 2022 dated 06.05.2022 and further directing the learned Principal Special Judge, (NDPS & EC Act), Chennai to return the petitioner's Two wheeler in bearing registration No.TN 87 B 2333 Honda CB Unicorn Pearl Igneous black color to the petitioner.

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



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ORDER

This Revision is filed aggrieved by the order of the Principal Special Court under EC & NDPS Act, Chennai dated 06.05.2022 in CrI.M.P.No.1630 of 2022, in and by which, the prayer of the petitioner for interim custody of the Honda Motor Cycle CB Unicorn bearing Registration No.TN 87 B 2333 is rejected by the learned Judge.

2. It is seen that the petitioner is an accused in the above case and therefore, by virtue of Section 61 of NDPS Act (in short, 'the Act'), the vehicle is liable to be confiscated and in that view of the matter, the prayer of the petitioner for return of vehicle has rightly been rejected by the learned Special Judge.

3. Therefore, the Criminal Revision Case is dismissed as without any merits. However, there shall be a direction to the respondent/police to initiate proceedings under Section 61 of the Act, in any event, not later than two months from the date of receipt of a copy of this order and the petitioner is at liberty to workout his remedy after completion of the confiscation proceedings.

29.06.2022

Index : yes/no

Speaking/Non-speaking order

SP

<https://www.mhc.tn.gov.in/judis>



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To
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- 1.The Principal Special Judge, (NDPS & EC Act),
Chennai.
- 2.The Public Prosecutor,
High Court of Madras.
- 3.The Inspector of Police,
J-13, Tharamani Police Station,
Chennai.



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D.BHARATHA CHAKRAVARTHY, J.,

sp

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