



Crl.R.C.No.801 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.801 of 2022

Thomas

... Petitioner

Versus

State Represented by
Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.
(Cr.No.1452 of 2021)

... Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C., against order dated 19.03.2022 made in Crl.M.P.No.831 of 2022 on the file of the Principal Special Judge (FAC) under EC and NDPS Act Court, Chennai.

For Petitioner : Mr.A.P.Sathyamurthy

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

ORDER

This revision is filed aggrieved by the order of the learned Principal Special Judge (FAC) under EC and NDPS Act Court, Chennai in Crl.M.P.No.831 of 2022, dated 19.03.2022, in and by which the



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learned trial Judge has refused to return the interim custody of the said vehicle viz., KTM 200 Duke bearing Registration No.TN-09-CU-4087 to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

3. On a perusal of the records of the case, it is clear that the petitioner is not an accused and therefore, the bar under the Act, that the vehicle should be confiscated would not be applied to this case. Therefore, unless and otherwise the vehicle is returned to the petitioner, the vehicle would rot and go waste. Therefore, the order of the learned Principal Special Judge (FAC) is unsustainable.

4. The petitioner is the lawful owner of the vehicle, I am inclined to order release of the vehicle with the following terms:-

(i) The order of the learned the Principal Special Judge (FAC) under EC and NDPS Act Court, Chennai, in Crl.M.P.No.831 of 2022 dated 19.03.2022 is set aside.



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(ii) The petitioner will be entitled for return of the said vehicle viz., KTM 200 Duke bearing Registration No.TN-09-CU-4087.

(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 to use the vehicle;

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

(v) The petitioner is not entitled to auction or sell the vehicle and use the vehicle only for the commercial use, but, to maintain the vehicle in the same condition so that it can be produced before the trial Court during trial. 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 police 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



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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 (viz., KTM 200 Duke bearing Registration No.TN-09-CU-4087), shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned;

5. The Criminal Revision Case is allowed accordingly.

28.06.2022

Index : yes/no
Speaking/Non-speaking order

ssn



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To

- 1.The Principal Special Judge (FAC) under EC and NDPS Act Court,
Chennai.
2. Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras.



WEB COPY



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D.BHARATHA CHAKRAVARTHY, J.,

ssn

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