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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.953 of 2021

Raman ... Petitioner/Owner of the Property
Vs.

State rep. by
The Sub Inspector of Police,
B-1, Thiruvallur Town Police Station,
(Crime No.763 of 2021). ... Respondent/Complainant

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 28.09.2021 made in Crl.M.P.No.2525 of 2021 on the file of the Principal Special Court Under EC & NDPS Act, Chennai dismissing the petition to return the Vehicle of Two Wheeler KTM 200 bearing Registration No.TN-02-BU-3940 to the petitioner herein.

For Petitioner : Mr. R.Sasikumar

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 Two wheeler KTM 200 bearing Registration No. TN-02-BU-3940. The respondent registered a case in Crime No.763 of 2021 against him on 11.07.2021 for the offence under Sections 8(c) r/w 20(b)(ii)(B), 29(1) of NDPS Act and seized the vehicle. The vehicle has been produced before the Principal Special Court Under EC & NDPS Act, Chennai. Learned counsel for the petitioner would further submit that even as per the F.I.R, the contraband has been recovered from the pillion rider who was having a shoulder bag. 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.2525 of 2021 seeking for return of property and the Trial Court stating that if the vehicle is returned to the petitioner, it would affect the investigation, had dismissed the application. He would further submit that the investigation has been completed and final report has been filed. He would also submit that the petitioner is prepared to give an undertaking that he will not dispose or alter the vehicle and 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 his friend travelled in the Motor Cycle, the respondent intercepted them and the pillion rider was found to carry a shoulder bag containing 1.100Kgs of Ganja and the respondent had registered a case for the offence under Sections 8(c) r/w 20(b)(ii)(B), 29(1) of NDPS Act. He would further submit that investigation has been completed and the respondent is ready to file the final report before the Court.

4. Taking into consideration of the facts and submissions, this Court is of the opinion that the interim custody of the vehicle can be granted to the petitioner.

5. In view of the above, the order dated dated 28.09.2021 made in Crl.M.P.No.2525 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.

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.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

vri/shk

To

1. Principal Special Court Under EC & NDPS Act,
Chennai.
2. The Sub Inspector of Police,
B-1, Thiruvallur Town Police Station,
(Crime No.763 of 2021).
3. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.953 of 2021

BS(CO)
CB(02/02/2022)