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Crl.R.C.No.1393 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1393 of 2022

J.Raja

...Petitioner

..VS..

The State Rep.by
The Inspector of Police,
Kambathur Police Station,
Thiruvallur District.

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 Cr.P.C to set aside the order passed by the Principal Special Court under EC&NPDS Act, Chennai in Crl.M.P.No.2213 of 2022 dated 09.09.2022 and to return the vehicle i.e. the Scpio VLX Car bearing Registration No.TN 02 AT 7099, D White Colour in Crime No.76 of 2022 on the file of the Inspector of Police, B-3 Kadambathur Police Station, Thiruvallur.

For Petitioner	:	Mr.B.Ganesha Moorthy
For Respondent	:	Mr.S.Sugendran Additional Public Prosecutor

ORDER

This revision has been preferred challenging the order dated 09.09.2022 passed in Crl.M.P.No.2213 of 2022 by the learned Principal



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Special Court under EC&NPDS Act, Chennai.

2. The respondent/Police registered a case in Crime No.76 of 2020 against the petitioner for the offence under Sections 8(c) r/w 20(b)(ii)(B), 22(b),22(c), 25 and 29(1) of NDPS Act and seized the subject matter of the vehicle. During the pendency of the investigation, the petitioner filed a petition in Crl.M.P.No.2213 of 2022 before the learned Principal Special Court Under EC & NDPS Act, Chennai seeking return of the vehicle. The said petition was dismissed by the Court below. Challenging the said order, the petitioner has preferred the present revision.

3.The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and he is in no way connected with the alleged offence. The petitioner is the father of A4. A4 and other co-accused have already enlarged on bail and hence, the vehicle in question is nothing to do with further investigation. Therefore, the petitioner seeks interim custody of the said vehicle and that he would abide by stringent conditions, if any, to be imposed on him.



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4.The learned Additional Public Prosecutor appearing for the respondent submitted that the subject matter of the vehicle was seized for transportation of contraband and the quantity involved in this case is commercial quantity. He further submitted that charge sheet has not yet been filed and hence, he objects to release the said vehicle and hand over the interim custody to the petitioner.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, the respondent/Police registered a case in Crime No.76 of 2020 against the petitioner for the above offences and also seized the vehicle viz., Scorpio VLX Car bearing Registration No.TN 02 AT 7099, D White Colour. It seems that investigation is pending and charge sheet has not yet been filed and also the contraband quantity involved in this case is a commercial quantity. Therefore, pending investigation, release of the vehicle is purely discretionary power of the Court below. The learned Magistrate, by exercising the discretionary



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jurisdiction has dismissed the petition. This Court, while exercising the revisional jurisdiction cannot conduct roving enquiry at this stage.

7.In view of the same, this Court does not find any perversity or infirmity in the order passed by the Court below. Accordingly, this Criminal Revision case is dismissed.

17.10.2022

Index: Yes/No
Speaking Order/Non-Speaking Order
ms

To

- 1.The Principal Special Judge,
Principal Special Court under EC&NPDS Act,
Chennai.
- 2.The Inspector of Police,
Kambathur Police Station,
Thiruvallur District.
- 3.The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

ms

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