



Crl.R.C.No.1480 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1480 of 2022

Akash

... Petitioner

Versus

State Represented by
The Inspector of Police,
T-15, SRMC Police Station,
Chennai,
Crime No.985 of 2021.

... Respondent

Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code to set aside the order in Crl.M.P.No.789 of 2022 in Crime No.985 of 2021 dated 21.03.2022 on the file of the Special Court Under EC & NDPS Act, Chennai – 104.

For Petitioner : Mr.R.Vijayaraghavan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed against the order dated 21.03.2022 passed in C.M.P.No. 789 of 2022 on the file of the Special Court Under EC & NDPS Act, Chennai – 104.



2.It is the case of the petitioner that the respondent police registered a case in Crime No.985 of 2021 for the offences under Sections 8(c) r/w 20(b)(ii)(A), 22(c) and 29(1) of NDPS Act and he was arrested and remanded to judicial custody on 13.12.2021 and also seized the vehicle viz., Pulsar NS200 BSIV bearing Registration No.TN 85 E 5573 and Realme-8 mobile phone. Subsequently, the petitioner filed a petition in C.M.P.No.1486 of 2022 before the learned Principal Special Court under EC & NDPS Act, Chennai -104 seeking interim custody of the said vehicle and mobile phone. The learned Special Judge, partly allowed the petition, which reads as follows :

" In the result, this petition is partly allowed in respect of the request of the petitioner for return of the Realme-8 mobile phone seized from him on condition that he should execute a bond of his own for Rs.15,000/- with no sureties and on condition to produce the same before this Court as and when required, until then it should not be sold, damaged and corrupted."

Aggrieved by the said order, the petitioner has preferred the present revision case.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that charge sheet has already been filed and the case was taken on file and hence, the vehicle in question cannot be released at this stage.



Crl.R.C.No.1480 of 2022

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record.

5. Admittedly the petitioner alleged to have used the said vehicle for illegal transportation of prohibited contraband and the Special Court has partly allowed the petition on certain conditions. In cases of this nature, the vehicles which are carrying prohibited goods are liable to be confiscated.

6. Taking into consideration the facts and circumstances and also considering the serious nature of the offences involved in this case, this Court does not find any perversity, illegality or infirmity in the order passed by the Court below. Accordingly, this Criminal Revision case is dismissed.

09.11.2022

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

P.VELMURUGAN, J.

ms



Crl.R.C.No.1480 of 2022

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To

1. The Special Court Under EC & NDPS Act,
Chennai – 104.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
T-15, SRMC Police Station,
Chennai.

Crl.R.C.No.1480 of 2022

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