



WEB COPY

CrI.RC.No.1503 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.1503 of 2022

A.Benazir Banu

... Petitioner

Vs.

The State represented by
The Inspector of Police,
T-14, Pallikaranai Police Station,
Chennai – 600 100.
(Crime No.815 of 2022)

... Respondent

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to call for the records pertaining to the Order dated 04.11.2022 in CrI.M.P.No.4878 of 2022 on the file of the Principal Special Court under EC & NDPS Act, Chennai and set aside the same.

For Petitioner	: Mr.R.Arun Kumar
For Respondent	: Mr.S.Sugendran Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed seeking to set aside the order dated 04.11.2022 in CrI.M.P.No.4878 of 2022 on the file of the Principal Special Court under EC & NDPS Act, Chennai.



2. The petitioner is the owner of the vehicle. The petitioner had filed a petition in CrI.M.P.No.4878 of 2022 before the Principal Special Court under EC & NDPS Act, Chennai, under Sections 451 read with Section 457 Cr.P.C., for return of vehicle bearing Regn.No.TN-07-BP-1595 and I Phone 11 Promax White Colour, which were seized by the respondent police from A1 who is the husband of the petitioner, in Crime No.815 of 2022 registered for the offence under Section 8(c) read with 20(b)(ii)(B) 25 of NDPS Act and the same was dismissed by order dated 04.11.2022. Challenging the same, the present revision has been filed before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and perused the materials on record.

4. It is seen that the petitioner had filed the said petition before the Special Court for return of seized properties stating that she is the owner of the seized properties and she is not an accused in the said case and that her husband only was shown as A1. The Special Court on finding that the accused A1 to A3 were arrested for having in illegal possession of 5 kgs of Ganja and vehicle was seized from accused in the spot along with the contraband, dismissed the petition.



5. Now the investigation is at the preliminary stage and pending investigation, return of property is purely the discretionary power of the Magistrate. Unless there is arbitrariness or malafideneess in passing the order, the Revision Court will not interfere with the order of the Court below. Further, the vehicle is involved in serious nature of offence of smuggling of contraband viz., 5 kgs. of Ganja. Hence, this Court is not inclined to interfere with the order of the Court below.

6. Accordingly, this Criminal Revision Case is dismissed.

18.11.2022

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To

1. The Principal Special Court under EC & NDPS Act,
Chennai.
2. The Inspector of Police,
T-14, Pallikaranai Police Station,
Chennai – 600 100.
3. The Public Prosecutor
High Court of Madras

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P.VELMURUGAN,J.

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