



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

Cr1.R.C. (MD)No.397 of 2022

Umesh

... Petitioner/Petitioner

Vs.

The State represented by
The Inspector of Police,
Medical College Police Station,
Tirunelveli District.
(Crime No.9 of 2022)

... Respondent/Respondent

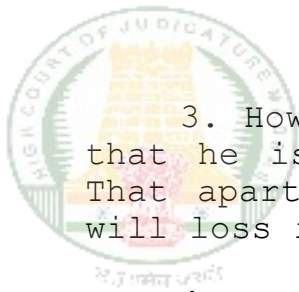
PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C., to call for the records relating to the order passed by the learned Principal Special Court for EC and NDPS Act Cases, Madurai in Cr.M.P.No.318 of 2022, dated 29.03.2022 and set aside the same.

For Petitioner	:	Mr.S.Sundarapandian
For Respondent	:	M/s.M.Aasha
		Government Advocate (Cr1.Side)

ORDER

This Criminal Revision Case is filed to set aside the order passed by the learned Principal Special Court for EC and NDPS Act Cases, Madurai, in Cr.M.P.No.318 of 2022, dated 29.03.2022 and thereby, dismiss the petition for return of vehicle.

2. The case of the prosecution is that there are totally three accused in which the petitioner is arrayed as third accused. All the accused were in possession of 2 Kg of Kanja in the vehicle, namely, Renault Duster, bearing Registration No.TN-18-Q-2209 illegally. Therefore, the respondent registered a case in Crime No.9 of 2022 registered for the offences under Sections 8(c), 20(b) (ii)(B) and 25 of NDPS Act. Accused Nos.1 and 2 were arrested and remanded to judicial custody. Further the vehicle involved in crime also seized by the respondent and produced before the Court below. However, the petitioner was not arrested and he also did not surrender before the Court below till today. While pending investigation, the petitioner filed the petition for return of vehicle which was dismissed for the reason on that ground that the petitioner was not yet arrested by the respondent police nor as he surrender before the Court below. Admittedly the petitioner is the owner of the vehicle and he is a habitual offender involved in similar nature of offence.



3. However, the learned counsel for the petitioner would submit that he is ready and willing to surrender before the respondent. That apart the vehicle was seized and kept in police custody, it will lose its value by exposure to sunlight and rain.

4. Considering the facts and circumstances of the case, this Court is inclined to return the vehicle namely, Renault Duster, bearing Registration No.TN-18-Q-2209 if the petitioner surrenders before the respondent within a period of two weeks from the date of receipt of a copy of this order. On such surrender, this Court is inclined to return the vehicle on the following conditions:

(i) The petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two solvent sureties to the credit of Crime No.9 of 2022, before the learned Principal Special Court for EC and NDPS Act Cases, Madurai, within a period of two (2) weeks from the date of surrender of the petitioner;

(ii) The petitioner shall surrender the original Registration Certificate of the vehicle before the learned Principal Special Court for EC and NDPS Act Cases, Madurai;

(iii) The petitioner shall not alienate and shall not make any alteration in the vehicle;

(iv) The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings;

(v) If any of the aforesaid conditions are violated, this order automatically stands cancelled.

6. With the above observations, the impugned order made in Cr.M.P.No.318 of 2022, dated 29.03.2022, is set aside and this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (AD.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



To

1. The Judge,
The Principal Special Court for EC and NDPS Act Cases,
Madurai.
2. The Inspector of Police,
Medical College Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

Crl.R.C. (MD) No.397 of 2022

Date:22.04.2022

SA(11.05.2022) 3P 4C