



Crl.R.C.(MD) No.591 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.591 of 2022

K.Sagadevan

**... Petitioner/Petitioner/Owner of the
property (3rd party)**

Vs.

**The State represented by its
The Inspector of Police,
Vedaraniyam Police Station,
Nagapattinam District.
(Crime No.709 of 2021)**

...Respondent/Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order of the Additional District Judge, Special Court for EC Act Cases, Thanjavur District in Crl.M.P.No.1245 of 2022 dated 21.03.2022 filed by the petitioner under Section 451 of Cr.P.C. and set aside the same as illegal and entrust the custody of the vehicles to the petitioner and allow the above criminal revision petition as prayed for.



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For Petitioner : Mr.Sankara Pandian
for Mr.K.Prabakaran,
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. side)

ORDER

This Criminal Revision Petition is filed to set aside the order passed by the learned Additional District Judge/Presiding Officer, Special Court under EC Act, Thanjavur, in Crl.M.P.No.1245 of 2022 in Crime No.709 of 2021 dated 21.03.2022.

2. The petitioner claims to be the owner of the Boat bearing Registration No.IND-TN-06-MO-6583 with 2 Creeaves cotton engine, 100 kg of fishing net and also the accessories of the Boat. On 04.11.2021, the respondent police seized the vehicle viz., Boat bearing Registration No.IND-TN-06-MO-6583 in Crime No.709 of 2021 as the same was used for transporting 92 kgs of ganja and the same were remanded in P.R.No.33 of 2022 on the file of the learned Additional District Judge/Special Court under Essential Commodities Act, Thanjavur.



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3. It is not in dispute that the petitioner has approached the learned Additional District Judge/Presiding Officer, Special Court under EC Act, Thanjavur, for returning of the said vehicle with 2 Creeaves cotton engine, 100 kg of fishing net and also the accessories of the boat in Crl.M.P.No.1245 of 2022 and the learned Additional District Judge, vide order dated 21.03.2022, has dismissed the petition. Challenging the dismissal order, the above Criminal Revision came to be filed before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. The learned Government Advocate (Criminal Side) would submit that the petitioner is not an accused and that the petitioner had given his boat to the accused and the accused used it for transporting ganja to Srilanka. He would further submit that investigation has already been completed and they are going to file charge sheet shortly and that confiscation proceeding was initiated by the concerned Deputy Superintendent of Police.



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6. The learned counsel for the petitioner would submit that the vehicle bearing Registration No.IND-TN-06-MO-6583 with 2 Creeaves cotton engine, 100 kg of fishing net and also the accessories of the Boat is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.

7. It is also not in dispute that the vehicle in question was seized on 04.11.2021 and as of now, no confiscation order was passed by the concerned authority.

8. Considering the facts and circumstances of the case and also the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 21.03.2022 passed in Crl.M.P.No.1245 of 2022, by the learned Additional District Judge/Presiding Officer, Special Court under EC Act, Thanjavur.



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9. Accordingly, this Criminal Revision Petition is allowed and the order dated 21.03.2022 in Crl.M.P.No.1245 of 2022 in Crime No.709 of 2021 on the file of the learned Additional District Judge/Presiding Officer, Special Court under EC Act, Thanjavur, is hereby set aside and the vehicle / Boat bearing Registration No.IND-TN-06-MO-6583 along with 2 Creeaves cotton engine, 100 kg of fishing net and also the accessories of the Boat, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

- (a) the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** as non-refundable for the vehicle to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) ;
- (b) the petitioner shall execute a bond for a sum of **Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Additional District Judge/Presiding Officer, Special Court under EC Act, Thanjavur;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Additional District Judge/Presiding Officer, Special Court under EC Act, Thanjavur;



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

(e) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

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Index : Yes/No
Internet : Yes/No
csm

To:-

- 1.The Additional District Judge/Presiding Officer,
Special Court under EC Act, Thanjavur.
- 2.The Inspector of Police,
Vedaraniyam Police Station,
Nagapattinam District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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**ORDER MADE IN
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