



CRL.R.C.No.339 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

CRL.R.C.No.339 of 2023

M.Sathish

.. Petitioner

Vs

State rep. By
the Inspector of Police,
Thazhambur Police Station,
Chengalpet District.
Cr.No.87 of 2022.

... Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w.401 Cr.P.C. to call for the records to the order made in CrI.M.P.No.3624 of 2022 by the Principal Special Court EC & NDPS Act, Chennai and set aside the same and directing the Principal Special Court EC & NDPS Act Chennai to release the vehicle bearing Regn.No.TN-22-DQ-3377, Chassis No.ME1RG5255K0027700, Engine No.G3K5E0113431 (YAMAHA R15V3).

For Petitioner : Mr.G.Nirmal

For Respondent : Mr.R.Vinothraja, GA (crl.side)

ORDER



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This Criminal Revision case has been filed challenging the order of dismissal dated 23.08.2022 passed by the Principal Special Court EC & NDPS Act, Chennai in Crl.M.P.No.3624 of 2022 seeking return of the vehicle bearing Registration No.TN-22-DQ-3377, Chassis No. ME1RG5255K0027700, Engine No.G3K5E0113431 (YAMAHA R15V3).

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and he is not an accused. The respondent Police seized the vehicle from A4/Ajeeth and registered a case against him in Crime No.87 of 2022 for the offence under Sections 8 (c) r/w. 20 (b) (ii)(C) of NDPS Act. The respondent Police arrested the accused for illegal possession of 4.250 kgs of Ganja, Tydol 100-200 tablets, Nitrovet – 150 tablets, Syringe – 15 nos and 2 sovereigns of Gold chain and arrested the accused. Now the petitioner as a third party claimed that he is the owner of the vehicle which is seized from A4. On hearing the submissions, the trial Court dismissed the petition in Crl.M.P.No.3624 of 2022 on the ground that the Chassis No. and Engine No of the seized vehicle are not tallied with the petition mentioned vehicle. Aggrieved against the said order, dated 23.08.2022, the petitioner has



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preferred this Criminal Revision Petition.

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3. When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) submitted that the respondent Police arrested the accused A4 for illegal possession of 4.250 kgs of Ganja, Tydol 100-200 tablets, Nitravet – 150 tablets, Syringe – 15 nos and 2 sovereigns of Gold chain for the offence under Sections 8 (c) r/w. 20 (b) (ii)(C) of NDPS Act and seized the vehicle. Now the petitioner claimed as the owner of the vehicle with RC Book. However, the registration No. is not seen while the vehicle was seized from the accused. Further in Form-91, the Chassis number and Engine number were mentioned, but it was not tallied with the petitioner's R.C. Book. Hence the trial Court dismissed the petition.

4. I have considered the rival submissions and perused the materials available on record.

5. The respondent Police filed a detailed counter, stating that a case was



registered against the accused persons A1 to A4 in Crime No.87 of 2022 under

Section 8(c) r/w. 20 (b)(ii)(c) of the NDPS Act, 1985 on 01.04.2022 and took up the case for investigation. The respondent Police seized the materials and properties from the accused and produced the same before the Principal Special Court under EC & NDPS Act cases, Chennai. After completion of investigation, a charge sheet has also been filed against the accused and the same were taken on file in C.C.No.176 of 2023 on 17.02.2023. In this circumstances, the petitioner viz.,Sathish, lodged a complaint before the respondent Police stating that his bike Yamaha R-15 V3 bearing Reg.No.TN-22-DQ-3377 was missing from 21.03.2022. During the course of investigation, the petitioner has filed a petition in Crl.M.P.No.3624 of 2022 seeking return of the said vehicle and the same was dismissed on 23.08.2022. Against the said order, the present criminal revision has been preferred. According to the respondent Police, the vehicle which was seized from A4 has no Reg.No. and the same was intercepted at Navalur signal by the respondent Police. The said vehicle has no Engine Number and Chassis number. The respondent Police has also produced the vehicle before the Magistrate concerned under Form – 91 by mentioning “Yamaha R15 bike (Blue colour)



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without Reg.No” along with other seized properties. Hence, the respondent seeks for dismissal of the Criminal Revision Case.

6. Considering the above, this Court is of the view that though the petitioner has claimed that he is the owner of the vehicle which is seized from A4 by producing RC book, the Engine Number and Chassis number were not tallied with that of the RC Book. In this consideration, the trial Court declined to return the vehicle and dismissed the petition. I do not find any irregularity in the order passed by the trial Court. Hence, this Criminal Revision Case stands dismissed.

19.04.2023

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Index: yes/no

Speaking order / Non speaking order

V. SIVAGNANAM, J.



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To
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1. The Principal Special Court EC
& NDPS Act, Chennai
2. The Inspector of Police,
Thazhambur Police Station,
Chengalpet District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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