



Crl.R.C.No.1165 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1165 of 2023

Fathima

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai.
(Crime No.115 of 2022)

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code to call for the records from the Hon'ble Principal Special Judge for EC & NDPS Act Cases, Chennai order passed in Crl.M.P.No.1482 of 2023 dated 13.03.2023 and to set aside the same by allowing this petition.

For Petitioner : Mr.K.Muthuvel

For Respondent : Mr.J.Subbiah, GA (Crl. Side)

ORDER

The present criminal revision petition is filed against the order passed by the Principal Special Court for EC & NDPS Act Cases at Chennai.

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2. The petitioner filed a petition in Crl.M.P.No.1482 of 2023 in C.C.No.492 of 2022 on the file of the above said Court under Section 451 of Cr.P.C., seeking for return of Auto bearing Reg.No.TN07-CX-4521, which was seized by the Inspector of Police, J4-Kotturpuram Police Station in Crime No.115/2022.

3. The case of the prosecution is that the present petitioner is the mother of the second accused and both A1 & A2 were found in illegal possession of 3 Kgs of Ganja on 02.03.2022. The contraband was seized from them which was kept in the Auto bearing Reg.No.TN07-CX-4521 and both of them were remanded to judicial custody on the same day. The seized vehicle along with contraband was produced before the Principal Special Court under EC & NDPS Act. Thereafter, the present petitioner filed an application under Section 451 of Cr.P.C. for return of the vehicle. According to the revision petitioner, if the vehicle is kept in the open space the value of the vehicle will diminish over a period of time. The Principal Special Court under EC & NDPS Act vide her orders



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dated 13.03.2023 dismissed the application on the ground that since the vehicle was involved in commission of the offence and it is required to be marked as a material object during the trial it cannot returned to the owner (Revision Petitioner). According to the prosecution, 3 Kgs of Ganja was seized from the said vehicle and the vehicle has been kept in police station.

4. Heard Mr.K.Muthuvel, learned counsel for the revision petitioner and Mr.J.Subbiah, GA (Crl. Side), learned counsel for the respondent.

5. Learned Government Advocate (Criminal Side) for the respondent did not raise any serious objections for returning the vehicle. Moreover, in the instant case, investigation is completed and a charge sheet has also been filed in C.C.No.492/2022. However, considering the fact that the petitioner is not an accused in the present case, the vehicle may be returned to the petitioner on the following conditions :



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- i. The petitioner should prove her ownership before the trial Court.
- ii. She should execute a bond for a sum of Rs.50,000/- before the trial Court.
- iii. She should deposit the original R.C. Book before the trial Court.
- iv. She should not alter or alienate the vehicle in any manner whatsoever.
- v. She should not change the color of the vehicle.
- vi. She should produce the vehicle as and when required by the trial Court.
- vii. The trial Court is directed to take photographs of the vehicle and then return the same to the present revision petitioner.

6. With the above directions, the present Criminal Revision Petition is allowed. No costs.

03.07.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.
mtl

To

1.The Principal Special Court,
EC & NDPS Act Cases, Chennai.

2.State Rep. by
The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai.

3.The Section Officer,
Criminal Section,
High Court,
Madras.

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