



Crl.R.C.No.1166 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

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

Crl.R.C.No.1166 of 2023

Angel Nandhagopal

... Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
T-16 (J-10) Semmanchery Police Station,  
Chennai.  
(Crime No.277 of 2022)

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the order passed in Crl.M.P.No.6726 of 2022 on the file of the Principal Special Judge for NDPS Act Cases Court at Chennai.

For Petitioner : Mr.M.S.Ramesh

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

### **ORDER**

The present criminal revision petition is filed, praying to set aside the order passed by the Principal Special Judge for NDPS Act Cases at Chennai.

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2. The petitioner filed a petition in Crl.M.P.No.6726 of 2022 in Crime No.277 of 2022 on the file of the above said Court under Section 451 of Cr.P.C. seeking for return of Honda City Car bearing Reg.No.TN-19-M-2404 which was seized by the Inspector of Police, T-16 Semmanchery Police Station, Chennai for the alleged offences punishable u/s.8 (c) r/w.20(b)(ii)(B), 25 and 29(1) of NDPS Act.

3. The case of the prosecution is that the present petitioner is the wife of the second accused and both A1 & A2 were found in illegal possession of 4.400 Kgs of Ganja. The contraband was seized from them which was kept in the Honda City Car bearing Reg.No.TN-19-M-2404 and both of them were remanded to the judicial custody on 21.10.2022. The seized vehicle along with contraband was produced before the Principal Special Court for NDPS Act Cases at Chennai. Thereafter, the present petitioner filed an application under Section 451 of Cr.P.C. for return of the vehicle. According to the petitioner, if the vehicle is kept in the open space the value of the vehicle will diminish over a period of



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time. The Principal Special Court under EC & NDPS Act vide her orders dated 09.01.2023 dismissed the application on the ground that since the vehicle was involved in the commission of the offence and the same is required to be marked as a material object during the trial it cannot be returned to the petitioner.

4. Heard Mr.M.S.Ramesh, 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 contended that since the vehicle is involved in the commission of offence the same may not be returned to the present petitioner. However, considering the facts the petitioner is not an accused in the present case, the vehicle may be returned to the petitioner on the following conditions :

- 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



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- 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 for NDPS Act, Chennai.

2.State Rep. by  
The Inspector of Police,  
T-16 (J-10) Semmanchery Police Station,  
Chennai.

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

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