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Crl.R.C.No.990 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

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

Crl.R.C.No.990 of 2023

Anandhu Prasanan

... Petitioner

Vs.

State:Inspector of Police,
T-14, Pallikaranai Police Station,
Tambaram City,
(Crime No.1106 of 2022)

... Respondent

Prayer : Criminal Revision filed under Section 397 & 401 of Criminal Procedure Code 1973, prayed to set aside the order passed by the learned Special Judge for EC & NDPS Act Cases, Chennai in Crl.M.P.No.2335 of 2023 dated 21.04.2023.

For Petitioner : Mr.P.Veeranarayana

For Respondent : Mr.J.Subbiah,
Government Advocate (Crl.side)

ORDER

The present criminal revision petition is filed, praying to set aside the order passed by the learned Special Judge for EC & NDPS Act Cases, Chennai in Crl.M.P.No.2335 of 2023 dated 21.04.2023.



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2. The petitioner filed a petition in Crl.M.P.No.2335 of 2023 in Crime No.1106 of 2022 on the file of the above said Court under Section 451 of Cr.P.C. seeking return of two wheeler Vespa SXL 150 bearing Reg.No.KL05-AT-1996 which was seized by the T-14 Pallikaranai Police Station, Tamabaram City.

3. The prosecution has registered an FIR in Crime No.1106 of 2022 against the accused namely Sachin for the offences punishable under Section 8(c) r/w 22(b) and 25 of the NDPS Act. According to the prosecution, the accused was found in possession of 8.5 grams of Methamphetamine. The contraband was seized along with two wheeler Vespa SXL 150 bearing Reg.No.KL05-AT-1996. Thereafter, the present petitioner filed an application under Section 451 of Cr.P.C. for return of the vehicle. The Principal Special Court under EC & NDPS Act vide her orders dated 21.04.2023 dismissed the application on the ground that the vehicle is involved in the offence committed by the accused and that the petitioner though a third party has not also given plausible explanation as to how the vehicle was used by the accused.



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4. Heard Mr.P.Veeranarayana, learned counsel for the revision petitioner and Mr.J.Subbiah, Government Advocate (Crl. Side), learned counsel for the respondent.

5. The learned counsel for the revision petitioner contended that the petitioner is the owner of the vehicle and he is not connected with the present case. He would further contend that if the vehicle is kept in open space, the value of the vehicle will diminish over a period of time.

6. The Inspector of Police, T-14 Pallikaranai Police Station/respondent had filed a counter affidavit stating that the present petitioner is the friend of the accused and that there are no previous cases against the accused and the vehicle was also not involved in any other offences.

7. In view of the above facts and circumstances of the case, this Criminal Revision is allowed and the vehicle is ordered to be returned to the petitioner on the following conditions:

i. The petitioner should prove his ownership before the trial



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ii. He should execute a bond for a sum of Rs.50,000/-(rupees fifty thousand only) before the trial Court.

iii) He should deposit the original R.C. Book before the trial Court.

iv. He should not alter or alienate the vehicle in any manner whatsoever.

v. He should not change the colour of the vehicle.

vi. He 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 vehicle to the present revision petitioner.

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

07.07.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.
nr

To

1. TheInspector of Police,
T-14, Pallikaranai Police Station,
Tambaram City.
2. Thelearned Special Judge for EC & NDPS Act Cases, Chennai
- 3.The Section Officer,
Criminal Section, High Court, Madras.

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