



Crl.R.C.No.1016 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

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

Crl.R.C.No.1016 of 2023

A.Venkatesan

... Petitioner

Vs.

State Rep. by its :-

The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai.
(Crime No.52/2023)

... Respondent

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code to call for the records in Crl.M.P.No.2752 of 2023 on the file of the Hon'ble Principal Special Court under EC & NDPS Act, Chennai - 104 and set aside the order in Crl.M.P.No.2752 of 2023 dated 08.05.2023.

For Petitioner : Mr.K.Bommuraj

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

ORDER

The present criminal revision petition is filed, praying to set aside the orders passed in Crl.M.P.No.2752 of 2023 on the file of the Hon'ble Principal Special Court under EC & NDPS Act, Chennai.

Page 1 of 5



Crl.R.C.No.1016 of 2023

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2. The learned Principal Special Judge under EC & NDPS Act vide her orders dated 08.05.2023 dismissed the petition filed under Sections 451 r/w. 457 of Cr.P.C for return of the two wheeler Honda Dio bearing Reg.No.TN-22-DM-8470, which was seized by the Inspector of Police, R8-Vadapalani Police Station in Crime No.52/2023 for the alleged offences punishable under Section 8(c) r/w.20(b)(ii)(B), 29(1) and 25 of NDPS Act.

3. Heard, Mr.K.Bommuraj, learned counsel for the revision petitioner and Mr.J.Subbiah, learned Government Advocate (Crl.side) for the respondent.

4. Learned counsel for the revision petitioner contended that the petitioner is a third party, that he is not at all connected with the crime and that if the vehicle is kept under the custody of the police, the value of the vehicle will diminish over a period of time. He therefore prayed for return of the vehicle.



Crl.R.C.No.1016 of 2023

WEB COPY

5. The learned Government Advocate (Crl. Side) for the respondent submitted that the investigation in the present case is almost completed and a charge sheet would be filed soon.

6. The quantity of Ganja seized from the accused is 3.500 kgs. In the circumstances, the petitioner is directed to approach the trial Court and file a proper petition along with original RC book and other relevant records to prove his ownership with regard to the vehicle. Learned Principal Special Judge shall verify the same and return the vehicle with certain conditions.

- i. The petitioner should prove his ownership before the trial Court.
- ii. He should execute a bond for a sum of Rs.50,000/- 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 color of the vehicle.



Crl.R.C.No.1016 of 2023

WEB COPY

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 same to the present revision petitioner.

7. With the above directions, this Criminal Revision Petition is allowed. No costs.

04.07.2023

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



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Crl.R.C.No.1016 of 2023

R. HEMALATHA, J.
mtl

To

1.The Principal Special Court
under EC & NDPS Act, Chennai - 104

2.The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai.

3. The Principal Special Court
under EC & NDPS Act, Chennai - 104.

Crl.R.C.No.1016 of 2023

04.07.2023