



Crl.R.C.No.992 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

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

Crl.R.C.No.992 of 2023

Manju

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
T-7, Tank Factory Police Station,
Chennai.

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the order passed by the learned Principal Special Judge NDPS Act at Chennai in Crl.M.P.No.2045/2023 by its order dated 17.04.2023 and direct to release interim custody of the vehicle i.e. Honda Dio Scooter bearing Reg.No.TN 12 Y 4768 to the petitioner which is seized by the respondent police vide Crime No.23/2023.

For Petitioner : Mr.M.Sasikumar

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

ORDER

This criminal revision petition is directed against the order passed in Crl.M.P.No.2045/2023 by the learned Principal Special Judge under EC & NDPS Act, Chennai.

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2. The petitioner filed a petition in Crl.M.P.No.2045/2023 on the file of the learned Principal Special Judge under EC & NDPS Act, Chennai, under Section 451 Cr.P.C. seeking return of Honda Dio Scooter Orange colour bearing Reg.No.TN-12-Y-4768 which was seized by the Inspector of Police, T-7, Tank Factory Police Station, Chennai in connection with the Crime No.23/2023 for the alleged offences punishable under Sections 8(c) 22(b), 25 and 29(1) of the NDPS Act.

3. The police party, T-7, Tank Factory Police Station on receipt of information intercepted the vehicle bearing Reg.No.TN-12-Y-4768 and arrested both the rider as well as pillion rider since they were found transporting 25 Nos. of Tydol 100 mg tablets. The contraband was seized from them along with the two wheeler, namely, Honda Dio Scooter Orange colour bearing Reg.No.TN-12-Y-4768 and the accused were remanded to judicial custody on 11.01.2023. The seized vehicle along with contraband was produced before the Principal Special Court under EC & NDPS Act at Chennai. The present revision petitioner filed a



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petition under Section 451 Cr.P.C. for return of the above said vehicle. The learned trial judge dismissed the said petition, challenging which the present revision petition has been filed.

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

5.The learned counsel for the petitioner contended that the petitioner is the owner of the vehicle and that she is not connected with the crime. According to him, if the vehicle is kept in open space, the value of the vehicle will diminish over a period of time. He therefore prayed for return of the two wheeler.

6. The learned Government Advocate (Criminal Side) for the respondent contended that since the vehicle is involved in the commission of the offences under EC & NDPS Act, the same may not be returned to the petitioner herein. He pressed for dismissal of this criminal



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7.However, considering the facts and circumstances of the case and also the petitioner is not an accused in this 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. The petitioner should execute a bond for a sum of Rs.50,000/- before the trial Court.
- iii. The petitioner should deposit the original RC Book before the trial Court.
- iv. The petitioner should not alter or alienate the vehicle in any manner whatsoever.
- v. The petitioner should not change the color of the vehicle.
- vi. The petitioner 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.



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

06.07.2023

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-7, Tank Factory Police Station,
Chennai.

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

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