



Crl.R.C.No.1202 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

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

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Seetha

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.
(Crime No.56/2023)

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the order dated 21.04.2023 passed in Crl.M.P.No.1640 of 2023 on the file of the Principal Special Court of (EC & NDPS) at Chennai and consequently return the property in Crime No.56/2023 on the file of the respondent police.

For Petitioner : Mr.N.Saravanan

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

ORDER

The present criminal revision petition is directed against the order passed in Crl.M.P.No.1640/2023 by the learned Principal Special



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WEB COPY Judge under EC & NDPS Act, Chennai.

2. The petitioner filed a petition in Crl.M.P.No.1640/2023 in Crime No.56/2023 on the file of the Principal Special Court under EC & NDPS Act, Chennai, under Section 451 Cr.P.C. seeking return of Honda Activa 6G DLX bike, pearl siren blue colour bearing Reg.No.TN-04-BA-9151, which was seized by the Inspector of Police, P-5, MKB Nagar Police Station, Chennai for the alleged offence punishable under Sections 8(c) r/w. 20 (b) (ii) (B) of the NDPS Act.

3. The case of the prosecution is that the present revision petitioner is the wife of the accused. The accused was found to be in illegal possession of 1.500 kgs of Ganja. The contraband was seized from him along with the two wheeler namely, Honda Activa 6G DLX bike, pearl siren blue colour bearing Reg.No.TN-04-BA-9151, and he was remanded to judicial custody on 25.01.2023. The seized vehicle along with contraband was produced before the Principal Special Court under EC & NDPS Act at Chennai. Thereafter, the present revision petitioner



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filed an application under Section 451 of Cr.P.C. for return of the two wheeler. The learned trial judge dismissed the petition. Challenging the same, the present revision petition is filed.

4. Heard Mr.N.Saravanan, 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 revision petitioner contended that the revision petitioner is not involved in the offence and that she is only the owner of the vehicle. His further contention is that if the vehicle is kept in the 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 did not raise any serious objection to return the two wheeler to the present petitioner.



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7.Considering the facts and circumstances of the case, the vehicle in question 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 R.C. 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 colour 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 the above observations, the present Criminal Revision

Petition is allowed. No costs.

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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,
P-5, MKB Nagar Police Station,
Chennai.

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

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