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Crl.R.C.No.1365 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

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

Crl.R.C.No.1365 of 2023

Mohammed Ibrahim

... Petitioner

Vs.

The State Rep. by
the Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

Crime No.483/2022

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the order, dated 19.07.2023 made in Crl.M.P.No.4100 of 2023 on the file of the learned Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai.

For Petitioner : Mr.M.J.Srinivas

For Respondent : Mr.R.Vinothraja,

Government Advocate (Crl. Side)

ORDER

Challenging the orders dated 19.07.2023 passed in Crl.M.P.No.4100 of 2023 by the learned Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai, the present Criminal Revision is filed.



Crl.R.C.No.1365 of 2023

WEB COPY

2. The revision petitioner filed Crl.M.P.No.4100 of 2023 under Sections 451 r/w. 457 of Cr.P.C., praying to return the Fortuner Car bearing Registration No.KA01-ML-1977 which was seized in connection with Crime No.483/2022 of H5 New Washermenpet Police Station, Chennai for the offences punishable under Sections 8(c), 9(A) r/w. 21(a), 21(c), 25A of Narcotic Drugs & Psychotropic Substances Act, 1985.

3. The case of the prosecution is that on 20.07.2022, the Sub Inspector of Police, on receiving secret information about the illegal sale of Ganja, went along with his police team to B Block, MPT quarters, New Washermenpet, Chennai and intercepted the four wheeler viz., Fortuner Car bearing Registration No.KA01-ML-1977 and a search was conducted on the inmates of the Car and they were found in illegal possession of 200 grams of Methamphetamine, 15 Kgs of Ephedrine, 35 Litre of acetone and 2 Kgs of activated Chargoal 2.500 Kgs of Mathylane Dichloride and 2.5 Litre of Methanol. FIR in crime No.483/2022 for the offence under Sections 8(c), 9(A) r/w. 21(a), 21(c), 25A of Narcotic Drugs & Psychotropic Substances Act, 1985 was registered. The said



Crl.R.C.No.1365 of 2023

WEB COPY

contraband was seized along with the vehicle. Thereafter the respondent Police arrested the accused and remanded them to the judicial custody. The seized vehicle and the contraband were produced before the Principal Special Court under EC & NDPS Act at Chennai.

4. The present revision petitioner / third party filed a petition under Sections 451 r/w. 457 of Cr.P.C. for return of the above said vehicle. The learned Principal Special Judge under EC & NDPS Act vide orders dated 19.07.2023 dismissed the petition on the ground that the vehicle is involved in the commission of illegal transportation of Narcotic drugs of commercial quantity. Aggrieved over the said orders, the present revision case is filed.

5. Mr.M.J.Srinivas, learned counsel for the petitioner contended that the petitioner is not an accused in the present case and he is the owner of the vehicle. Therefore, he prayed for return of the vehicle.



Crl.R.C.No.1365 of 2023

WEB COPY

6. Per contra, Mr.R.Vinothraja, learned Government Advocate (Crl. Side) filed a detailed counter and contended that the contraband was seized from the Car and the car was involved in three cases of similar nature and that the petitioner is the friend of the second accused. He further contended that the confiscation proceedings have to be initiated since the quantity involved in the present case is commercial. He therefore prayed for dismissal of the petition.

7. Though the present petitioner is not an accused, as stated by the prosecution, he is the friend of the second Accused and the contraband seized from the inmates of the vehicle is commercial quantity and the present car was also seized in three cases of similar nature and was returned to the owner. Hence, I do not see any reason to return the vehicle to the present petitioner. Accordingly, The present Criminal Revision is dismissed as devoid of merits.

31.08.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

Page 4 of 6



Crl.R.C.No.1365 of 2023

WEB COPY

To

- 1.The Principal Special Judge,
Principal Special Court under
EC & NDPS Act, Chennai
- 2.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.



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Crl.R.C.No.1365 of 2023

R. HEMALATHA, J.

vum

Crl.R.C.No.1365 of 2023

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