



Crl.R.C.(MD) No.567 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

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Babu

... Petitioner/Petitioner/
3rd Party

Vs.

1.State represented by
The Inspector of Police,
Taluk Police Station,
Kumbakonam,
Thanjavur District.

...Respondent/Respondent/
Complainant

2.Siva

3.Keerthi

4.Aravinthakumar

5.Arul

6.Prasanna

7.Vasan

...Respondents 2 to 7/
Respondents/A1 to A6



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Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order dated 28.11.2022 made in Crl.M.P.No.6023 of 2022 on the file of the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act at Thanjavur, consequently direct the respondent to return the petitioner's vehicle Tavera Car bearing Registration No.TN-68-M-5995 to the petitioner as interim custody.

For Petitioner : Mr.V.Sukumar,
For R1 : Mr.SS.Madhavan,
Government Advocate (Crl. Side)

ORDER

This Criminal Revision is directed against the order passed in Crl.M.P.No. 6023 of 2022 dated 28.11.2022 on the file of the Special Court under Essential Commodities Act, Thanjavur, dismissing the petition filed under Section 451 Cr.P.C.

2. The petitioner claims to be the owner of Tavera Car bearing Registration No.TN-68-M-5995. On 05.08.2022, the respondent police has registered a case in Crime No.504 of 2022 against 6 persons for the offence under Sections 8(c) r/w



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20(b)(ii)(B) of NDPS Act and seized the above said vehicle bearing Registration No.TN-68-M-5995 along with contraband of 2kgs of Ganja.

3. It is not in dispute that the petitioner has approached the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act at Thanjavur, for returning of the said vehicle in Crl.M.P.No. 6023 of 2022 and the learned Additional District Judge, vide order dated 28.11.2022, by observing that the vehicle in dispute is a material evidence in this case, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that the petitioner is not having any previous cases for similar offence and that the said vehicle was not involved in any other previous case.



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6. The learned counsel appearing for the petitioner would submit that the petitioner's family is depending upon the income deprived from the above said vehicle and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

7. Admittedly, the petitioner is not an accused, but his driver is an accused in the above case.

8. Considering the facts and circumstances of the case and also the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 28.11.2022 passed in Crl.M.P.No.6023 of 2022, by the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act at Thanjavur.

9. Accordingly, this Criminal Revision case is allowed and the order dated 28.11.2022 in Crl.M.P.No.6023 of 2022 in Crime No.504 of 2022 on the file of the learned Additional District Judge/Presiding Officer, Special Court under



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Essential Commodities Act at Thanjavur, is hereby set aside and the vehicle/Tavera Car bearing Registration No.TN-68-M-5995, is ordered to be returned to the petitioner for interim custody of the petitioner forthwith on the following conditions:-

- (a) the petitioner shall execute a bond for a sum of **Rs.2,00,000/- (Rupees Two Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act at Thanjavur;
- (b) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur;
- (c) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (d) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

12.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR, J.

csn

To:-

- 1.The Additional District Judge / Presiding Officer,
Special Court under Essential Commodities Act, Thanjavur.
- 2.The Inspector of Police,
Taluk Police Station,
Kumbakonam,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**ORDER MADE IN
Crl.R.C.(MD)No.567 of 2023**

12.06.2023