



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19/01/2023

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CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.RC(MD)No.1 of 2023

V.Rajamanickam : Petitioner/Petitioner

Vs.

1.The State rep. By
Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
(Crime No.454 of 2021) : R1/Respondent

2.Raghul
3.Veeramurasu (Appu)
4.Kannan : R2 to R4/A1 to A3

Prayer: Criminal Revision is filed under Section 397 r/w 401 of the Criminal Procedure Code, to set aside the order passed in Crl.MP No.4952 of 2022, dated 28/09/2022 on the file of the Additional District Judge, Special Court under EC Act, Thanjavur and direct them to return the vehicle Maruthi Dezire VSI bearing registration No.TN-51-AK-9542 to the petitioner and pass such further or other order.

For Petitioner : Mr.A.Senthil Kumar

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For R2 to R4 : No appearance



O R D E R

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The criminal revision has been preferred in order to set aside the order passed in CrI.MP No.4952 of 2022, dated 28/09/2022 by the Additional District Judge Special Court under EC Act, Thanjavur and to return the vehicle Maruthi Dezire VSI bearing registration No.TN-51-AK-9542 to the petitioner.

2.The facts in brief:-

The petitioner is the owner of the above said vehicle bearing registration No.TN-51-AK-9542. The above said vehicle is the case property for the transportation of 126 kgs of Ganja in connection with the case in Crime No. 454 of 2022 on the file of the 1st respondent police. The police seized the above said car.

3.Seeking return of the vehicle, the petitioner filed a petition in CrI.MP No.4952 of 2022 before the trial court. That came to be dismissed, on 28/09/2022. Against which, this criminal revision has been preferred.

4.The learned counsel appearing for the petitioner would submit that he is the owner of the above said car and the car is noway connected with the alleged crime as



contended by the respondent police; if the car is allowed to keep over in the custody of the police or in the concerned court, there is every likelihood of damage to the vehicle.

5. Heard the learned Additional Public Prosecutor appearing for the State.

6. The entire CD file has been called and perused. It is seen that the petitioner has not arrayed as an accused in this case. Even as per the provisions of NDPS Act, the property can be confiscated only after full trial. It may take a longer of time.

7. This petition has been filed only seeking interim custody of the vehicle, which cannot be denied stating that it is required for trial process. If the property is allowed to be kept idle, there is every possibility for damage and causing deterioration of the value of the property also. On that sole ground, this criminal revision is liable to be allowed.

8. In the result, this criminal revision is **allowed** and the impugned order passed by the learned Additional District Judge, Special Court under EC Act, Thanjavur, in CrI.M.P.No.4952 of 2022, dated 28.09.2022, is set aside.



The above said vehicle is ordered to be returned to the petitioner by following proper procedure. The petitioner shall produce the original RC book and file an undertaking affidavit before the concerned trial court to the effect that he will not alter or change the vehicle. The petitioner shall execute a bond to the satisfaction of the concerned court to be fixed by its own discretion. If any confiscation is ordered in future, the vehicle must be surrendered to the 1st respondent.

9. With the above said condition, this criminal revision is **allowed**.

19/01/2023

Index: Yes/No
Internet: Yes/No
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To,

1. The Additional District Judge,
Special Court under EC Act, Thanjavur.
2. The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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