



Crl.R.C.No.1294 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1294 of 2024

A.Raja

... Petitioner

Vs.

State Represented by
The Inspector of Police,
T-4 Madhuravoyal Police Station,
(CR.No.714/2024).

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 & 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set-aside the order made in Crl.M.P.No.7171 of 2024 dated 29.07.2024 by the learned Principal Special Court under EC & NDPS Act, Chennai-104.

For Petitioner : Mr.H.Rajasekar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



ORDER

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The petitioner/owner of the vehicle viz., Maruti Swift VXI car bearing Reg.No.TN-09-CZ-8725 filed return of property petition under Sections 451 & 457 of Cr.P.C in Crl.M.P.No.7171 of 2024 before the learned Principal Special Court, Principal Special Court under EC & NDPS Act, Chennai which was dismissed *vide* impugned order, dated 29.07.2024. Against which the present criminal revision case filed.

2.The learned counsel for the petitioner submitted that the petitioner was employing in Metropolitan Transport Corporation and he is the owner of the above said vehicle. The petitioner has got a son/A1 and daughter. The petitioner's son/A1 finished B.Com., but yet to complete the course and get a degree. The petitioner for his work and for other purpose purchased the vehicle by availing finance from Mahindra and he is regularly paying the monthly installment. The petitioner's son/A1 without the petitioner's knowledge took the vehicle and got into trouble with his friends/A2 & A3. The petitioner's son/A1 was arrested in Crime No.714 of 2024 for offence under Sections 8(c), 22(c), 25 & 29(1) of the Narcotic Drugs and



Psychotropic Substances Act, 1985 for illegal possession of 55 grams of Methamphetamine, a psychotropic substance. According to the petitioner, the petitioner's son used to help his friends for disc jockey (DJ), thereby making small earnings. Since there was some dispute in DJ circle, a case under the provisions of the Protection of Children from Sexual Offence Act, 2012 registered against the petitioner's son/A1 and thereafter, the present case foisted. He further submitted that the vehicle was not taken with the petitioner's knowledge and the recovery of contraband from the vehicle is also highly doubtful. In any event, the petitioner is not an accused, it is his son who committed the offence. The vehicle is now kept in the open yard exposing to vagaries of weather, hence prayed for return of vehicle.

3.The learned Additional Public Prosecutor appearing for the respondent Police filed counter stating that the petitioner employed in Metropolitan Transport Corporation and he used to attend his work using the Transport Corporation Bus. The vehicle was used by the petitioner's son/A1 for his extravagant life and he has not completed his B.Com., degree. The petitioner's son has friends in visual media circle and is having own way of life and also peddling drugs. On information, the petitioner's son/A1 was



arrested and from the vehicle, Methamphetamine recovered and seized. The petitioner's father might be innocent, but having allowed his son/A1 to use the vehicle for a very long time without any control, for which, the petitioner is the only person to suffer. He further submitted that now the confiscation proceedings initiated and the vehicle is likely to be confiscated. Hence, prayed for dismissal.

4.Considering the submissions and on perusal of the materials, it is seen that the petitioner's son committed the offence recently and the confiscation proceedings initiated in Crime No.714 of 2024. On receipt of secret information, the respondent Police had gone to Maduravoyal Highway Bridge where they intercepted the above said vehicle. During search, 55 grams of Methamphetamine found, seized and accused arrested in Crime No.714 of 2024 for offence under Sections 8(c), 22(c), 25 & 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

5.In view of the above, this Court is not inclined to entertain the petition revision for the present. In the event of confiscation proceeding



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being initiated, the concerned Court to dispose of the proceedings within a period of two months from the date of filing such petition.

6. Accordingly, this criminal revision case stands dismissed for the present confirming the impugned order, dated 29.07.2024 in Crl.M.P.No.7171 of 2024 passed by the learned Principal Special Court, Principal Special Court under EC & NDPS Act, Chennai.

20.08.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To

1. The Principal Special Judge,
Principal Special Court under EC & NDPS Act,
Chennai.
2. The Inspector of Police,
T-4 Madhuravoyal Police Station.
3. The Public Prosecutor,
Madras High Court.

M.NIRMAL KUMAR, J.

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