



Crl.R.C.No.1674 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1674 of 2024

A.Ashok Kumar

... Petitioner

Vs.

The State
Rep. by the Inspector of Police,
PEW-Erode Police Station,
Erode District.
(Crime No.67 of 2024)

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 & 401 of Code of Criminal Procedure, to set aside the order and modify the conditions imposed in C.M.P.No.1146 of 2024, dated 13.06.2024 on the file of the Special Court for Essential Commodities Act Cases, Coimbatore by allowing the present criminal revision petition.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.V.J.Priyadarsana,
Government Advocate (Crl. Side)



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ORDER

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This Criminal Revision Case is directed against the conditions imposed by the learned Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore in Crl.M.P.No.1146 of 2024 on 13.06.2024 while allowing the petition for return of vehicle which is said to be used for commission of the offence under Sections 8(c) r/w 20(b)(ii)(B) of The Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.67 of 2024.

2.The vehicle involved in this case is Chevrolet Car bearing Reg.No.TN-39-BL-2740. The petitioner is aggrieved by the first condition imposed in the order, dated 13.06.2024 in Crl.M.P.No.1146 of 2024 which reads as follows:

“1.The petitioner/owner of the vehicle shall produce two sureties each for Rs.2,50,000/- to the satisfaction of this Court.”

3.The learned counsel for the petitioner would submit that the value of the vehicle itself is Rs.2,00,000/- as on date; that he would be unable to



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produce two sureties each for a sum of Rs.2,50,000/-; and that the same may be restricted to one surety.

4.Heard Mr.V.J.Priyadarsana, learned Government Advocate (Crl. Side) appearing for the respondent Police.

5.It is well settled that an onerous condition would deny the benefit granted in the order and the same cannot be imposed. Admittedly, the value of the vehicle would be around Rs.2,00,000/- as on date. Hence, the request made by the petitioner to modify the first condition, is reasonable.

6.In view of the above, the condition No.1 imposed in the order, dated 13.06.2024 in Crl.M.P.No.1146 of 2024 by the learned Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore is modified to the effect that the petitioner/owner of the vehicle shall execute a bond for Rs.2,00,000/- (Rupees Two Lakh only) to the satisfaction of the learned Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore. The other conditions imposed shall remain unaltered.



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

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To

- 1.The Additional District Judge,
Special Court for Essential Commodities Act Cases,
Coimbatore.
- 2.The Inspector of Police,
PEW-Erode Police Station,
Erode District.
- 3.The Public Prosecutor,
Madras High Court.

SUNDER MOHAN, J.

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