



WEB COPY



Crl.R.C.No.1586 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1586 of 2022

Ammu

... Petitioner

Versus

State Rep.

by its The Inspector of Police,

R-4, Soundarapadiyanar Angadi Police Station,

Chennai.

... Respondent

PRAYER: Criminal Revision Case has been filed under Sections 397 r/w 401Cr.P.C, praying to set aside the order dated 17.11.2022 in Crl.M.P.No.5527 of 2022 under Sections 451 & 457 of Cr.P.C. passed by the learned Principal Special Court under EC & NDPS Act, Chennai against connected with Cr.No.200 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Illiyas

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



Crl.R.C.No.1586 of 2022

WEB COPY

ORDER

The petitioner is the owner of Honda Dio Bike bearing registration No.TN 06 AB 0014. She has filed the petition seeking return of property before the learned Principal Special Court in Crl.MP.No.5527 of 2022 and the same was dismissed by order dated 17.11.2022, against which the present petition has been filed.

2. The contention of the petitioner is that her son was arrested on 20.08.2022 on the allegation that he was in illegal possession of 4.350 kgs of ganja and the same is a notified intermediate quantity. The case projected against the son is that the petitioner's son along with four persons were standing, besides a bike and they were arrested for possession of the contraband. The respondent police admitted that the bike belongs to the petitioner which was used by her son namely Babu @ Kuthirai Babu. Further no procedure followed in seizing the petitioner's bike.



CrI.R.C.No.1586 of 2022

The petitioner produced documents to prove her ownership of the vehicle,

The RC book and insurance certificate stands in the name of the petitioner.

Further the vehicle now kept in the open exposing to heat, sun and dust.

The value of the vehicle will be mitigated if it is allowed to be continued to be in the custody of the respondent-police, hence, the petition was filed.

3. The learned Additional Public Prosecutor appearing for the respondent opposed the petitioner's contention and submitted that motor bike was seized when it was used by her son, in transporting 4.350 kgs of ganja, which is notified intermediate quantity. It is further submitted that the petitioner's son was granted statutory bail. As far as the vehicle is concerned, after it was seized, confiscating proceedings initiated by the respondent. the petitioner to participate in confiscation proceedings, make her objections and seek return of vehicle. The respondent unable to give confiscation details.



Crl.R.C.No.1586 of 2022

WEB COPY

4. The Lower Court to complete the confiscation proceedings within a period of six weeks from the date of receipt of a copy of this order.

5. In the event of no confiscation proceedings initiated and completed within the period of six weeks. The petitioner becomes entitled to have the interim custody of the vehicle. The trial Court to hand over the vehicle to the petitioner with the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties to the satisfaction of the the learned Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai;

(ii) The petitioner shall produce the original RC Book along with self attested photostat copy of RC Book of the vehicle and other relevant records to prove her ownership. The learned Principal Special Judge shall peruse the RC book and other records, retain xerox copy of the same and return the original RC book to the petitioner;



CrI.R.C.No.1586 of 2022

(iii) The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over;

(iv) The petitioner shall also give an undertaking that she will produce the vehicle as and when required by the respondent and by the court below.

This situation would arise only when the Trial Court fails to complete the confiscation proceedings.

6. With the above directions, this Criminal Revision Case is disposed of.

21.08.2024

Index : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes/No

av



WEB COPY



Crl.R.C.No.1586 of 2022

M.NIRMAL KUMAR, J.

av

To

1. The learned Principal Special Court
under EC & NDPS Act, Chennai
2. The Inspector of Police,
R-4, Soundarapadiyanar Angadi Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.1586 of 2022

21.08.2024