



Crl.R.C.No.2258 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2258 of 2024

Megala

... Petitioner/owner of the vehicle

Vs.

State represented by

The Inspector of Police,

S-9, Pazhavanthangal Police Station,

Chennai District.

(Crime No.76 of 2024).

...Respondent/complainant

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to set aside the order dated 22.05.2024 made in Crl.M.P.No.4812 of 2024 on the file of the Principal Special Court under EC & NDPS Act, Chennai and consequently modify the condition Nos.1 & 2 that “the petitioner is directed to execute a bond for Rs.1,00,000/- along with two sureties and to surrender the original RC book before the said Court” and to allow the above Criminal Revision Petition.

For Petitioner : Mr.N.Arun Kumar

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

The revision challenges the condition imposed by the trial Court while ordering the return of the petitioner's vehicle, which is said to be involved in the offence under Section 8(c) r/w 20(b)(ii)(B) & 25 of Narcotic Drugs Psychotropic Substances (NDPS) Act.

2. While ordering the return of vehicle, the learned Principal Special Judge had *inter-alia* imposed the following conditions:

“(i) The petitioner shall execute a bond for a sum of Rs.1,00,000/- along with 2 sureties each for a likesum to the satisfaction of this Court.

(ii) The petitioner shall surrender the original RC Book before the said Court.”

3. The learned counsel for the petitioner submitted that the above said conditions are onerous and hence, may be set aside or modified.



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4. Heard the learned counsel for petitioner and the learned Government Advocate appearing for the respondent.

5. This Court is of the view that the condition No.1 to execute a bond for Rs.1,00,000/- with two sureties is reasonable and no interference is called for. As regards the condition No.2 to surrender the original RC Book, it is seen that the vehicle is under hypothecation. Hence, the said condition is modified as follows:

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Principal Special Judge, Special Court under EC & NDPS Act, Chennai, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

It is made clear that all other conditions imposed by the trial Court in order dated 22.05.2024 shall remain unaltered.



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6. Accordingly, the Criminal Revision Case is partly allowed.

11.12.2024

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

rsi

To

- 1.The Principal Special Judge,
Special Court under EC & NDPS Act, Chennai.
- 2.The Inspector of Police,
S-9, Pazhavanthangal Police Station,
Chennai District.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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