



Crl.R.C.(MD)No.248 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD)No.248 of 2024

S.Selvakumar
on behalf of
V.M.Muthukumar

... Petitioner/
owner of the vehicle (third party)

Vs.

The State rep. by its,
The Inspector of Police,
Devathanapatti Police Station,
Theni District.

In Crime No.153 of 2019

... Respondent

PRAYER : Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the conditional order of the learned I Additional District Judge for EC and NDPS Act Cases, Madurai in Crl.M.P.No.1290 of 2023 dated



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25.08.2023 and set aside the same as illegal and allow the above Criminal Revision Petition.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.R.Sivakumar

Government Advocate (Crl. Side)

ORDER

Challenging the conditional order passed by the learned I Additional District Judge for EC and NDPS Act Cases, Madurai, dated 25.08.2023 in Crl.M.P.No.1290 of 2023, the present Criminal Revision has been filed by the petitioner.

2. Earlier, the Court below has directed the petitioner to produce the vehicle being an Omni Bus bearing registration No.PY 01 CM 5699 on the first working day of every English Calendar Month before the Court below, which was allegedly involved in Crime No.153 of 2019 for the offences punishable under Sections 8(c) r/w.20(b)(ii)(B), 25, 29(1) of NDPS Act. However, since the vehicle was produced before the RTO for the



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purpose of obtaining stability certificate and fitness certificate, the petitioner was unable to produce the vehicle before the trial Court. Therefore, the trial Court had modified the condition by a memo dated 31.03.2023 in Crl.M.P.No.1379 of 2019 and directed the petitioner to produce the vehicle on 1st and 15th working day of every English Calendar month. Thereafter, in furtherance to the application filed by the petitioner seeking relaxation on the conditional order, again the Court below has modified the said order to the extent that the petitioner was allowed to produce the vehicle on the first working day of every English Calendar Month without fail or without any deviation. Aggrieved over the same, the present revision has been preferred by the petitioner.

3. Learned counsel for the petitioner submitted that originally, the owner of the said vehicle is one V.M.Muthukumar and the petitioner herein is the registered Power of Attorney and admittedly, the owner of the vehicle is not an accused, even as per the confession of the prime accused. It is the passenger, who colluded with the driver of the vehicle and agent committed the aforesaid offence without the knowledge of the owner of the vehicle. The main grievance of the petitioner is that the said vehicle is plying from Chennai to Cumbum and vice versa, however, due to the



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conditional order passed against the petitioner to produce the vehicle on the first working day of every English Calendar Month, the ticket booking of passengers could not be carried out on the first working day as well as the post and prior date on the first working day of every month and thereby, the entire three days booking of the vehicle is being put under halt, which resulted in loss of earnings and damage to the vehicle.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the trial Court itself allowed the petitioner to produce the vehicle on the first working day of every English Calendar Month and since, the petitioner has not produced the vehicle as directed by the trial Court, the same was modified by directing the petitioner to produce the vehicle on 1st and 15th working day of every English Calendar month.

5. Considering the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side), this Court is inclined to modify the condition to the extent that the vehicle in question shall be produced before the trial Court once in every three months on the first working day of the respective English calendar month.



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

07.03.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

PKN

Copy to

1.The Inspector of Police,
Devathanapatti Police Station,
Theni District.



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VIVEK KUMAR SINGH, J.

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