



Crl.O.P.(MD)No.14350 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 30.08.2024

Pronounced on : 06.09.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14350 of 2024

Gomathi

... Petitioner

Vs.

The State, Rep by its,
The Inspector of Police,
Kudavasal Police Station,
Pudukkottai District.
(Crime No.487 of 2023)

... Respondent

Prayer : This Criminal Original Petition filed under Section 528 B.N.S.S., to direct learned Principal District and Sessions Judge, Thanjavur to expedite the trial in Crl.M.P.No.1852 of 2024 on its file and complete the same within the stipulated time as fixed by this Court.

For Petitioner : Mr.C.Suresh Kannan

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Government Pleader



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ORDER

The Criminal Original Petition has been filed seeking direction to the learned Principal District and Sessions Judge, Thanjavur to expedite the enquiry in Crl.M.P.No.1852 of 2024 of his file within the stipulated time as fixed by this Court.

2. The case of the prosecution is that on 04.10.2023 at about 12.30 hours, the Inspector of Police attached to the Kudavasal Police Station, on the receipt of secret information conducted an inspection at Athikkadai Check Post, Tiruvarur and at that time, a vehicle bearing Registration No.TN-14-J-6999 Toyota Fortune car passed on the road, that the respondent police intercepted the vehicle and found 5.400 kgs of ganja in the car and that they have seized the contraband and arrested the accused.

3. It is not in dispute that the respondent police has produced the Toyota Fortune car before the jurisdictional Court and the said property was received and remanded in NDCP No.205 of 2023 and that the vehicle was handed over to the respondent police for safe custody.



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4. It is also not in dispute that the petitioner claiming to be the owner of the vehicle has filed a petition in Crl.M.P.No.6670 of 2023 under Sections 451 and 457 Cr.P.C. before the Additional District and Sessions Court / Special Court for EC Act Cases, Thanjavur, that the said petition came to be dismissed vide order dated 16.11.2023 and that the petitioner has preferred a revision challenging the dismissal order in Crl.R.C. (MD)No.1395 of 2023 before this Court and the same was also dismissed on 27.02.2024.

5. The learned counsel appearing for the petitioner would submit that the petitioner's vehicle was not produced before the Drug Disposal Committee for initiating confiscation proceedings, that the respondent police had filed the above petition in Crl.M.P.No.1852 of 2024 before the Special Court for EC Act cases, Thanjavur on 27.02.2024 seeking for production of the seized car to the Drug Disposal Committee, that the learned trial Judge has not passed any orders till now as the petition is being adjourned periodically and that therefore the petitioner was constrained to file the present criminal original petition seeking expedite disposal of Crl.M.P.No.1852 of 2024.



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6. The petitioner has also produced the copy of the requisition submitted by the respondent police for sending the seized vehicle to the Drug Disposal Committee and the said petition was taken on file in Crl.M.P.No.1852 of 2024 on 28.02.2024 and notice was ordered to be issued to the owner of the vehicle/petitioner herein and the petitioner, after entering into appearance, has filed his objection and thereafter the petition is pending for enquiry.

7. The learned Additional Public Prosecutor appearing for the respondent would submit that in pursuance of the direction of this Court made in ***Crl.R.C.(MD)No.41 of 2019 dated 16.06.2023***, the vehicle has to be produced before the Drug Disposal Committee and that the trial Court may be directed to expedite the enquiry.

8. Considering the above facts and circumstances of the case and also taking note of the fact that the Crl.M.P. is pending for the past more than 6 months and the relief claimed therein, the learned Additional District and Sessions Judge / Special Court for EC Act Cases, Thanjavur is directed to conduct enquiry in Crl.M.P.No.1852 of 2024 and dispose of the



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same within a period of ten (10) days from the date of receipt of a copy of this order.

9. With the above direction, the Criminal Original Petition stands disposed of.

06.09.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Additional District and Sessions Judge /
Special Court for EC Act Cases, Thanjavur.
- 2.The Inspector of Police,
Kudavasal Police Station,
Pudukkottai District.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
Crl.O.P.(MD)No.14350 of 2024

Dated : 06.09.2024