



Crl.RC.No.234 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.234 of 2025

Dhamodaran

... Petitioner

Vs.

State Rep. by
Inspector of Police
NIB CID, Salem
Salem District
Crime No.42 of 2024

... Respondent

Prayer: Criminal Revision Case filed under under Section 397 read with 401 of Criminal Procedure Code praying to call for the entire records relating to the order dated 16.12.2024 in C.M.P.No.1772 of 2024 against Crime No.42 of 2024 on the file of the Special Judge for EC/NDPS Act Cases, Salem. and set aside the same.

For Petitioner	: No Appearance
For Respondent	: Mr.S.Sugendran Additional Public Prosecutor



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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order dated 16.12.2024 in C.M.P.No.1772 of 2024 against Crime No.42 of 2024 on the file of the Special Judge for EC/NDPS Act Cases, Salem.

2. The case of the petitioner is that the petitioner's two wheeler bearing Regn. No.TN54 D 1162 was seized by the respondent police in connection with Crime No.42 of 2024 for allegedly transporting 4 Kgs. of Ganaja. Therefore, the petitioner filed a petition in C.M.P.No.1772 of 2024 before the Special Judge for EC/NDPS Act Cases, Salem, under Section 451 Cr.P.C. for interim custody of the two wheeler. The said petition was dismissed by order dated 16.12.2024. Hence, the present Revision is filed.

3. The contention of the petitioner is that the petitioner is the owner of the vehicle and he is not involved in the above crime number either directly or indirectly and that the said vehicle has been misused by the accused without the knowledge of the petitioner. He further submitted if the vehicle is kept ideal



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in the open space and exposed to natural calamities, it would get damaged and thereby, the petitioner would suffer irreparable loss.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that it is a case of illegal transportation of 4 kgs. of Ganja using two wheeler and the respondent police seized both the two wheeler and the contraband. He further submitted that now the investigation is completed and the charge sheet has also been filed before the Special Court and the same has also been taken on file in Spl.C.C.No.131 of 2024 and that the matter is posted on 13.02.2025 for appearance of the accused.

5. Heard both sides and perused the materials available on record.

6. It is seen that the petitioner is only owner of the vehicle and he is not an accused. Already investigation completed and the charge sheet has also been filed.

7. Therefore, in view of the decisions of the Hon'ble Supreme Court in

Sunderbhai Ambalal Desai Vs. State of Gujarat reported in (2002) 10 SCC



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283, the trial Court is directed to return the vehicle to the petitioner on the

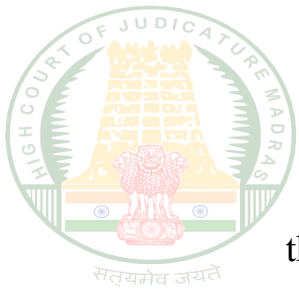
following conditions:

(i) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(ii) The petitioner shall not alter or alienate the vehicle in any manner till confiscation proceedings is over;

(iii) The petitioner is directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh Only) before the trial Court to the credit of Spl.C.C.No.131 of 2024** and on such payment and production of proof, the vehicle shall be returned;

(iv)The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Court below as well as by the District Collector of the District or authorized officer in that behalf by



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the Government;

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(v)The petitioner shall participate in the confiscation proceedings, if any initiated, and shall produce the vehicle, before the confiscation authority. This order is subjected to the confiscation proceedings.

8. Accordingly, this Criminal Revision Case is allowed by setting aside the order dated 16.12.2024 passed in C.M.P.No.1772 of 2024 by the Special Judge for EC/NDPS Act Cases, Salem.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To

1. The Special Judge for EC/NDPS Act Cases, Salem.
2. Inspector of Police
NIB CID, Salem
Salem District
3. The Public Prosecutor
High Court of Madras

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