



Crl.R.C.No.2247 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.2247 of 2023

Dhatchanamoorthy

... Petitioner

..VS..

State Represented by
The Inspector of Police,
T.18, Thazhambur Police Station,
Thambaram City,
Chennai District,
Crime No.18 of 2023.

... Respondent

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to set aside the order dated 01.08.2023 made in Crl.M.P.No.4791 of 2023 on the file of the Principal Special Court under EC and NDPS Act, Chennai, dismissing the petition to return the vehicle of two wheeler Honda (Dio) bearing Registration No.TN-11-AQ-0526 to the petitioner herein.

For Petitioner	:	Mrs.V.Kayalvizhi
For Respondent	:	Mr.S.Sugendran Additional Public Prosecutor



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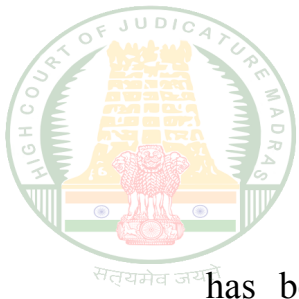
ORDER

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This Criminal Revision Petition is filed against order dated 01.08.2023 made in Crl.M.P.No.4791 of 2023 on the file of the Principal Special Court Under EC & NDPS Act, Chennai.

2. The petitioner is the owner of the vehicle, namely Honda Motor Cycle DIO, bearing Registration No.TN11AQ0526, which was seized by the respondent-Police in connection with a case in Crime No.18 of 2023 for illegal transportation of 252 grams of Methamphetamine in the said vehicle. Hence, the petitioner, filed a petition under Section 451 Cr.P.C., seeking return of the vehicle. The learned Magistrate, after hearing the objections raised by the respondent and after appreciating entire materials, dismissed the said petition. The said order is challenged in the present Criminal Revision Petition.

3. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle in question and he is no way connected with the alleged offence either directly or indirectly and that the said vehicle

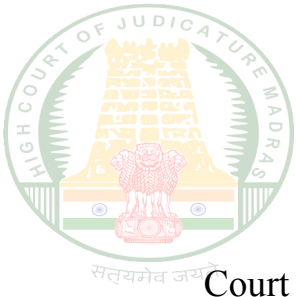


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has been misused by his friend-A1 without the knowledge of the petitioner. He further submitted that the vehicle in question is kept in the custody of the respondent-Police from 13.01.2023. If the vehicle in question is left idle in the open space exposed to sun and rain, the condition of the vehicle would be deteriorated and the value of the vehicle would be lost, thereby, putting the petitioner to great loss and hardship and hence, the petitioner seeks interim custody of the vehicle and that he would also abide by stringent conditions, if any, to be imposed on him.

4. Learned Additional Public Prosecutor appearing for the respondent-Police submitted the subject vehicle was alleged to have been used by the petitioner for illegal transportation of 252 gms of Methamphetamine. The subject property was already produced before the Court below, *vide* A.No.191 of 2023 and B.No.98 of 2023 on 14.02.2023. He further submitted that in this case investigation is over and charge-sheet has also been filed through e-filing on 16.03.2025, *vide*, e-filing No.LTN-20230002829/C20250033 before the Special



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Court under EC & NDPS Act, Chennai. The confiscation proceedings are yet to be initiated.

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

6. Considering the facts and circumstances and also considering the submissions made by the learned Additional Public Prosecutor, this Court finds that the petitioner is owner of the vehicle in question and he is not an accused. Already, investigation is over, and charge-sheet has also been filed and subject property was also produced before the Court below. However, confiscation proceedings are yet to be initiated. Therefore, keeping the vehicle in the custody of the Court would not serve any purpose. The petitioner is at liberty to approach the Special Court for return of the property by way of filing proper petition and the learned Special Judge, Special Court under EC and NDPS Act, Chennai is directed to consider same on merits and in accordance with law, if confiscation proceedings are not initiated so far.



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7. In view of the above, this Criminal Revision Petition is disposed of.

17.03.2025

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

1. The Principal Special Judge,
Principal Special Court under EC and NDPS Act,
Chennai.
2. The Inspector of Police,
T.18, Thazhambur Police Station,
Thambaram City,
Chennai District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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