



Crl.R.C.No.2281 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.2281 of 2023

B.Rupa

... Petitioner

..VS..

State Rep.by
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District,
Crime No.530 of 2021.

... Respondent

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to call for the records and set aside the order dated 27.09.2023 passed by the Special Judge for EC/NDPS Act cases, Salem in C.M.P.No.1033 of 2023 in Spl.C.C.No.96 of 2022 on the file of the Special Judge for EC/NDPS Act cases, Salem.

For Petitioner : Mr.B.Vasudevan

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 27.09.2023 passed in Crl.M.P.No.1033 of 2023 in Spl.C.C.No.96 of 2022 on the file of the Special Judge for EC/NDPS Act Cases, Salem.

2. According to the petitioner, she is the owner of the vehicle viz., Ashok Leyland Lorry bearing Registration No.AP-16-TA-6197, which was seized by the respondent-Police in connection with a case in Crime No.530 of 2021 for allegedly transporting 300 kgs of Ganja. Therefore, the petitioner filed a petition in Crl.M.P.No.1033 of 2023 before the Special Judge for EC/NDPS Act Cases, Salem, for interim custody of the vehicle in question and the same was dismissed on 27.09.2023. Challenging the said dismissal order, the present Criminal Revision Petition is filed by the petitioner.

3. Learned counsel for the petitioner submitted that the petitioner is the owner of the subject vehicle and she is not an accused in the case and the said vehicle has been misused by A3, who is the husband of the



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petitioner, without her knowledge. He further submitted that due to family dispute, the petitioner and her husband-A3 are living separately. Hence, the petitioner filed a petition seeking return of the subject vehicle as a registered owner of the said vehicle. He further submitted that the vehicle in question is kept in the custody of the respondent-Police and if the vehicle in question is left idle in the open space, the value of the same will diminish over the period of time. Therefore, the petitioner prayed for return of the vehicle and that she would also abide by stringent conditions, if any, to be imposed on her.

4. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that the petitioner is none other than the wife of A3. The subject vehicle was alleged to have been used by A3 for transporting 300 kgs of Ganga, which comes under the commercial quantity. In this case, already investigation is over and charge-sheet was taken on file in Spl.C.C.No.96 of 2022 by the learned Special Judge, Special Court for EC/NDPS Act Cases, Salem. The confiscation proceedings are yet to be initiated.



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

6. Considering the facts and circumstances and taking into account the quantity of 300 kilograms of Ganja involved in this case, which comes under the commercial quantity under the NDPS Act, this Court does not find any reason to interfere with the order passed by the Court below and accordingly, this Criminal Revision Petition is dismissed.

17.03.2025

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

1. The Special Judge,
Special Court Under EC/NDPS Act cases,
Salem.
2. The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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