



WEB COPY

CRL RC No. 2314 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2314 of 2025

1. ELUMALAI

S/o.Muthu, No.383, Big Street,
Sayanapuram Village, Nemili Taluk,
Ranipet District.

Petitioner(s)

Vs

1. The State Rep by, The Inspector of
Police,
D1, Tiruthani Police Station, Tiruvallur
District. Cr.No.514/2022.

Respondent(s)

PRAYER

To call for the records pertaining to the order dated 21.04.2023 passed by Honble Principal Special Court under EC and NDPS Act Chennai in CrI.M.P.No.6134/2022 and to set aside the same and consequently direct the respondent to return the vehicle bearing No. TN73-AW3960(TATA NEXON) Engine Number 5CR05NYXW22207, Chasis Number MAT627128MLP89646 in Crime No. 514 of 2022 to the petitioner.

CRL RC No. 2314 of 2025

For Petitioner(s): R.Thirumoorthy
S.Sivasekar
M.Kishore
J.Ganesh
R.Joshua
K.Mumtha
L.Prathap



WEB COPY



K.Sundarraaj

For Respondent(s): Dr.C.E. Pratap,
Government Advocate (Crl. side)

ORDER

This Criminal Revision Case has been filed to call for the records pertaining to the order dated 21.04.2023 passed by Principal Special Court under EC and NDPS Act Chennai in Crl.M.P.No.6134/2022 and to set aside the same.

2. The petitioner herein has filed Crl.M.P.No.6134/2022 on the file of the Principal Special Court under EC and NDPS Act Chennai seeking return of car Nexon XZA+ 15 RTQ BS6 bearing Reg.No.TN73-AW3960, which was seized by the respondent police in Cr.No.514/2022 for the alleged offence u/s.294(b), 353, 506(2) of IPC and u/s.3(1) of PPD Act 1984 @ u/s.294(b), 353, 506(2), 120(B), 328 of IPC and u/s.3(1) of PPD Act 1984 and u/s.8(c) r/w 20(b) (ii)(B) of NDPS Act. After considering the oral and documentary evidence, the court below dismissed the petition by holding that investigation is not completed. Aggrieved over the same, the petitioner filed this Revision.

3. The learned counsel for the petitioner submits that respondent seized 6 kgs of Kanja from the other accused. The petitioner herein is the owner of the said vehicle, in fact, nothing recovered from the petitioner. As a owner of the said vehicle the petitioner has been implicated in this case. Hence, he prays to allow this petition. On the other hand, the learned Government Advocate admits that based on the confession of the other accused the petitioner has been



implicated in this case.

4. Considering the facts and circumstances of the case, the petitioner was not present at the time of recovery and also the contraband was not recovered from the petitioner. Further the provision under Section 451 of Cr.P.C.,/497(1) of BNSS provides for protection of the property from degradation due to non maintenance in the custody of the police as it takes long time for conclusion of criminal proceedings. The vehicle is in broad day light from the date of seizure and the trial has also been commenced and hence no useful purpose will be served in keeping the vehicles parked in the sunlight and rain.

5. In view of the above discussions, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in CrI.M.P.No.6134/2022 by the Principal Special Court under EC and NDPS Act Chennai, is hereby set aside. The learned Principal Special Court under EC and NDPS Act Chennai, is directed to return the Nexon XZA+ 15 RTQ BS6 vehicle bearing Reg.No.TN73-AW3960 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) to the satisfaction of the concerned Magistrate to the credit of Crime No.514 of 2022 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration certificate of the



vehicle with the concerned Magistrate.

(iii) the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iv) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

(vi) If any of the conditions are violated, this order automatically stands cancelled.

6. Accordingly, the Criminal Revision Case stands allowed.

10-11-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal Special Court under EC and NDPS Act Chennai.

2. The Section officer, V. R Section, High Court, Madras.

3. The Public Prosecutor, High Court, Madras.



WEB COPY

CRL RC No. 2314 of 2021





WEB COPY

CRL RC No. 2314 of 2025



T.V.THAMILSELVI J.
pbl

**CRL RC No. 2314 of
2025**

10-11-2025