

(2021) 07 KL CK 0336

In the High Court Of Kerala

Case No : Criminal Miscellaneous Application No. 2504 Of 2021

Neena Correa

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 27-07-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 451

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 52A

Citation : (2021) 07 KL CK 0336

Hon'ble Judges : P.Somarajan, J

Bench : Single Bench

Advocate : P.K.Varghese, K.R.Arun Krishnan, M.R.Dhanil

Final Decision : Dismissed

Judgement

P.Somarajan

1. Aggrieved by the rejection of an application under Section 451 Cr.P.C. seeking interim custody of the vehicle alleged to have been involved in an

NDPS crime alleging transportation of 2.200 grams of MDMA, the registered owner of the vehicle came up, inter alia contending that the vehicle was

as such not used for carrying or transporting the alleged contraband and Section 52 A of the NDPS Act has no application. Rejection of application

under Section 451 Cr.P.C. hence not sustainable, it was argued.

2. Even going by the contentions raised by the petitioner, it is a disputed fact whether the vehicle was actually used for transporting or used as a

conveyance of the alleged contraband and it has to be decided not under Section 451 Cr.P.C., especially when there is a provision in the Special

Enactment 52 A.

Without prejudice to the right of parties to take up the issue with the competent authority under the provisions of NDPS Act, the present Crl.M.C. is dismissed.