

CPC O. 7, R. 11(d) – Trial Court must remember that if on a meaningful and not formal reading of the plaint it is manifestly vexatious and meritless in the sense of not disclosing a clear right to sue, it should exercise the power

Description

Criminal Procedure Code, 1973 (CrPC) – Section 451, Section 451 A, Section 452, Section 457 – Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS), Section 21 – A conveyance seized under the NDPS Act shall be liable to confiscation only when the owner of the conveyance who was given an opportunity by the Court could not prove that the conveyance was used without his knowledge or connivance – The Court will have to decide whether a vehicle seized under the NDPS Act is liable to confiscation only on conclusion of trial – The trial Court has to take independent decision on the question of confiscation irrespective of the conviction or acquittal or discharge recorded by it. But, at any rate, the trial Court is not supposed to pass any order of confiscation before expiry of one month from the date of seizure or without affording opportunity to the claimant.

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