



Crl.O.P.(MD) No.18933 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.18933 of 2023

P.Santhanam

...Petitioner / Accused No.4 / Owner of the Vehicle

Vs.

**The State through,
The Inspector of Police,
Checkanurani Police Station,
Madurai District.**

(In Crime No.252 of 2023). ...Respondent / Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and set aside the docket order in unnumbered Crl.M.P. Reference number CNR-NO-TNMD 050043232023, Filing reference Number Crl.M.P. No. 4222 of 2023 passed by the Learned Principal EC NDPS Court, Madurai dated 06.10.2023 and to number and dispose of the same on merits in accordance with law within the time stipulated by this Court.

For Petitioner	:Mr.S.Srikanth
For Respondent	:Mr.M.Vaikkam Karunanithi Government Advocate (Crl. Side)



Crl.O.P.(MD) No.18933 of 2023

WEB COPY

ORDER

This criminal original petition has been filed to set aside the docket order in unnumbered Crl.M.P. Reference number CNR-NO-TNMD 050043232023, Filing reference Number Crl.M.P. No.4222 of 2023 passed by the Learned Principal EC NDPS Court, Madurai dated 06.10.2023 and to number and dispose of the same on merits in accordance with law within the time stipulated by this Court.

2.Expressing grievance over the return that has been made by the Special Court without entertaining the petition filed by the petitioner under Section 451 Cr.P.C. seeking interim custody of vehicle bearing Registration No. TN 59 BS 7353 pending investigation, this petition has been filed. The above said return was made stating that as per the order that has been passed by the Madurai Bench of Madras High Court in the case of *Nagoorkani Vs. State* in Crl.R.C.(MD).No. 41 of 2019, petition is not maintainable.

3.The learned counsel for the petitioner referred to the order passed by this Court in the above said order on similar occasion. It was submitted before this Court that a number of vehicles are running without any claim in many of the



Crl.O.P.(MD) No.18933 of 2023

police stations in Tamil Nadu and in the above said situation, it was observed that pending the process of confiscation and other things, if any petition is filed by any party seeking interim custody of the property under Section 451 of Cr.P.C., the same should be considered. But, now it is stated that so far no such proceedings has been made. But, the property has been remanded to the concerned Court. The order of return made by the Special Court is not maintainable. The Special Court ought to have entertained the petition and decide the same on its judicial side. Without going into merits and maintainability simply it returned on its administrative side.

4.On that ground, there shall be a direction to the petitioner to represent the petition before the special Court. The learned Sessions Judge, Special Court for NDPS Act Cases, Madurai shall take cognizance of the matter and decide the same on its judicial side by giving opportunity to the petitioner. Registry is directed to return the petition filed by the petitioner, under proper acknowledgement, enabling him to represent the same before the Special Court.

5.Accordingly, this criminal original petition stands allowed and the



Crl.O.P.(MD) No.18933 of 2023

WEB COPY

docket order in unnumbered Crl.M.P. Reference number CNR-NO-TNMD 050043232023, Filing reference Number Crl.M.P. No.4222 of 2023 passed by the Learned Principal EC NDPS Court, Madurai dated 06.10.2023, is hereby set aside.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

19.10.2023

TM

To

- 1.The Sessions Judge, Special Court for EC NDPS Act Cases, Madurai.
- 2.The Inspector of Police, Checkanurani Police Station, Madurai District. (In Crime No.252 of 2023).
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD) No.18933 of 2023

G.ILANGOVAN. J.

TM

Crl.O.P.(MD)No.18933 of 2023

19.10.2023