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CrI.R.C.No.1765 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.1765 of 2024

Karthikeyan

... Petitioner/Accused

Versus

State by

The Inspector of Police,
Arcot Town Police Station,
Ranipet District.

Crime No.268/2024

...Respondent

PRAYER: Criminal Revision Case filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order of return passed in unnumbered C.M.P.No.Nil of 2024 in Crime No.268 of 2024 and further direct the learned Additional District Judge, Special Court under E.C. and N.D.P.S. Act Cases, Salem to return the two wheeler bearing No.TN-73-AJ-2451 to the petitioner.

For Petitioner : Mr.S.Prabhu

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This Criminal Revision Petition is filed seeking to set aside the order of return passed in unnumbered C.M.P.No.Nil of 2024 in Crime No.268 of 2024 and further direct the learned Additional District Judge, Special Court under E.C. and N.D.P.S. Act Cases, Salem to return the two wheeler bearing No.TN-73-AJ-2451 to the petitioner.

2.The petitioner filed a unnumbered petition before the Lower Court seeking return of two wheeler, namely, Hero HF Delux bearing registration No.TN-73-AJ-2451 and the said petition was returned by the Lower Court on 02.08.2024 citing as “As per authority of R.C.(MD) 41/2019 dated 16.06.2023, how this petition is maintainable. Hence returned”. Aggrieved against the said order, the petitioner preferred this revision.

3.The learned counsel for petitioner in support of his contention produced the order of Madurai Bench of this Court in Crl.R.C(MD) No.1251



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of 2023, wherein, this Court had granted interim custody of the vehicle
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referring to the Hon'ble Apex Court judgment in **Sunderbhai Ambalal Desai** case and the judgment of Hon'ble Full Bench of Kerala High Court in **W.A.No.1304 of 2022.**

4.This Court in Crl.R.C.No.189 of 2024 had entertained the petition seeking return of vehicle. In view of the same, the return of petition is not proper. Accordingly, the order of return dated 02.08.2024 passed by learned Additional District, Judge, Special Court under E.C. And N.D.P.S. Act Cases, Salem is set aside.

5.The petitioner is directed to represent the return of property petition. The learned Additional District, Judge, Special Court under E.C. And N.D.P.S. Act Cases, Salem to accept the petition, if it is otherwise in order, take it on file and dispose of the same on merits within a period of four weeks from the date of representation of the return of property petition.



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M.NIRMAL KUMAR, J.

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6.With the above directions, the Criminal Revision Case is allowed.

23.10.2024

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

Speaking order/Non-speaking order

rsi

Note: Registry is directed to return the original papers to the petitioner.

To

- 1.The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
- 2.The Additional District, Judge,
Special Court under E.C. And N.D.P.S. Act Cases,
Salem.
- 3.The Public Prosecutor,
High Court, Madras.

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