



Crl.O.P.(MD)No.21645 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21645 of 2024
and Crl.M.P(MD).No.21646 of 2024

Backialakshmi

: Petitioner

Vs.

State of Tamil nadu,
rep., by The Inspector of Police,
PEW-Madurai City Police Station,
Madurai City.
Crime No.875 of 2024

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to set aside the docket order in unnumbered Crl.M.P reference number CNR.No.TNMD050047152024, Filing reference Number Crl.M.P.No. 4624 of 2024 dated 27.11.2024 passed by the learned Principal Court for NDPS Act Cases, Madurai 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.K.Sanjai Gandhi
Government Advocate (Crl.side)



Crl.O.P.(MD)No.21645 of 2024

ORDER

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The petitioner, who is owner of the property, had filed a petition for return of property before the Principal Court for NDPS Act Cases, Madurai. The learned Judge citing the Nagoorkani's case had not entertained the petition and returned the same, which may not be proper. This Court citing the Hon'ble Apex Court judgment in ***Sainaba Vs., State of Kerala and Anr in Crl.A.No.2005 of 2022*** reported in ***2022 (7) KHC 2731*** had passed an order that Nahoorkani's case is no more *res-judicata* and return of property petition involving NDPS Act cases can be entertained and it has been decided on its own merits. In view of the same, the impugned docket order in unnumbered Crl.M.P reference number CNR.No.TNMD050047152024, Filing reference Number Crl.M.P.No.4624 of 2024 dated 27.11.2024 passed by the learned Principal Judge for NDPS Act Cases, Madurai, is hereby set aside and this Court directed the petitioner to re-present the petition and on such re-presentation, the learned Judge shall receive the petition and decide the same on its own merits.



Crl.O.P.(MD)No.21645 of 2024

2. With the above direction, this Criminal Original Petition is
allowed.

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20.12.2024

NCC : Yes/No
Index : Yes / No

Rmk

**Note: Registry is directed to return the original papers filed along
with this petition to the petitioner.**

Issue order copy on 07.01.2025

To

1.The Principal Judge for NDPS Act Cases, Madurai.

2.The Inspector of Police,
PEW-Madurai City Police Station,
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.21645 of 2024

M.NIRMAL KUMAR,J.

Rmk

Crl.O.P.(MD)No.21645 of 2024

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