



Crl.O.P.(MD)No.22406 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22406 of 2024

Vetrivel

: Petitioner

Vs.

State rep., through the Inspector of Police,
Devathanapatti Police Station,
Theni District.

Crime No.276 of 2024

: Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to set aside the docket order passed in E-filing No.4100 of 2024 in Crime No.276 of 2024 by the Principal Special Court for EC and NDPS Act Cases, Madurai, dated 17.10.2024 subsequently directing to number the petition and disposed within the time framed by this Court.

For Petitioner	: Mr.A.Naresh Prabu
For Respondent	: Mr.A.Thiruvadikumar Additional Public Prosecutor

ORDER

The petitioner, who is the owner of the car bearing Registration No.TN 59 CL 7012, had filed a return of property petition in Crime No.



276 of 2024 before the Lower Court and the same was not entertained and it was returned for the below reason:

- “1.As per order passed by the our Hon'ble Madurai Bench of Madras High Court in Nahoorkani Vs., State in Crl.R.C.No.41 of 2019, dated 16.06.2023, How this petition is maintainable?*
 - 2.Correct provision os law to be stated?*
 - 3.To be explain that the petitioner has no knowledge or convenience of petition mentioned vehicle to commission of the offence.*
 - 4.Property vehicle is not remanded in this case.*
 - 5.Petition to be filed before disposal committee.*
- Hence Returned.”*

2. The contention of the petitioner is that admittedly, the petitioner is not an accused in this case. The petitioner has purchased the car as a tourist taxi and he has been renting out the car. It is only source of income for the petitioner to his livelihood and also for paying EMI. Due to the seizure of the vehicle and keeping it in the open yard exposing the vagaries of weather, the value of the vehicle is getting diminished. Further, in this case, the accused had hired the car and travelled in the car. At that time, they were found in possession of 4.755 kgms of Kanja, for which, a case has been registered and vehicle has been seized. The



Crl.O.P.(MD)No.22406 of 2024

petitioner cannot be penalized for the act of the hirer to take the vehicle on hire. Further, he submitted that the Hon'ble Apex Court in Sainaba's case had entertained the petition for return of vehicle seized under NDPS Act and this Court in Crl.O.P(MD).No.20609 of 2024 had set aside the docket order and directed the concerned Magistrate to entertain the return of the property petition.

3. Considering the submission and perusal the materials available on record, this Court set aside the docket order passed by the learned Principal Special Court for EC and NDPS Act Cases, Madurai. The petitioner is directed to re-present the petition before the concerned Special Court. On receipt of the same, the learned Magistrate shall consider the petition on its own merits.

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

19.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
Rmk

***NOTE: Registry to return the original papers to the petitioner.
Issue order copy on 07.01.2025.***



Crl.O.P.(MD)No.22406 of 2024

WEB COPY

To

- 1.The Principal Special Court for EC and NDPS Act Cases, Madurai.
- 2.The Inspector of Police,
Devathanapatti Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.22406 of 2024

M.NIRMAL KUMAR,J.

Rmk

Crl.O.P.(MD)No.22406 of 2024

19.12.2024