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CRL OP No. 4829 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-03-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 4829 of 2025

M.Santhosh Kumar
S/o. Muthusamy,
No.4/113, Ayyanarappan Koil Street,
Nilavarapatty, Salem District.

Petitioner(s)

Vs

The Inspector of Police
NIB CID, Salem,
Salem District.
Crime No. 62/2024

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the docket order in Crl.M.P.Sr.No.2346 of 2025 dated 29.11.2024 on the file of Hon'ble Special Court for EC/NDPS Act, Salem and Set aside the same and



consequently issue direction to Hon'ble Special Court for EC/NDPS Act, Salem to number the Crl.M.P.SR.No.2346 of 2025 and pass such further or other orders as this Hon'ble Court may deems fit and proper on the circumstances of the case and thus render Justice.

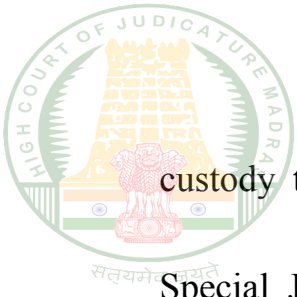
For Petitioner(s): Mr.C.Deepakkumar

For Respondent(s): Mr.A.Gopinath
Government Advocate (Criminal
Side)

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the docket order in Crl.M.P.Sr.No.2346 of 2025 dated 29.11.2024 on the file of Hon'ble Special Court for EC/NDPS Act, Salem and set aside the same and consequently issue direction to Hon'ble Special Court for EC/NDPS Act, Salem to number the Crl.M.P.SR.No.2346 of 2025.

2. The petitioner has filed an application under Section 497 of BNSS Act, before the Special Judge for EC Act Cases, Salem, to return the vehicle viz., TVS APACHE two wheeler bearing Reg.No.TN-90-K5967 for the interim



custody to the petitioner. By the endorsement dated 29.11.2024, the learned

Special Judge for EC Act Cases, Salem, has stated that the petition is not

maintainable. Aggrieved by the same, the petitioner has preferred the present

Criminal Original Petition.

3. The learned counsel for the petitioner submitted that the learned Special Judge for EC Act Cases, Salem, without looking into the judgment of Hon'ble Apex Court, has returned the application filed by the petitioner and also failed to consider the fact that the petitioner is not an accused in the criminal case.

4. Heard both sides and perused the materials available on record.

5. Considering the submissions made by the learned counsel on either side, and in view of the order passed by the Court dated 20.12.2024 in Crl.R.C.No.1443 of 2024, the present Criminal Original Petition is not maintainable, as this Court in the said order has issued directions and also the



Court which are dealing the cases under NDPS Act to follow the procedures stated therein.

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6. Following the order dated 20.12.2024, the Court does not find any infirmity in the docket order made in CrI.M.P.Sr.No.2346 of 2025 dated 29.11.2024 on the file of Hon'ble Special Court for EC/NDPS Act, Salem.

Hence, the Criminal Original Petition is dismissed.

07-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

jd

To

The Inspector Of Police

NIB CID, Salem,

Salem District.

Crime No. 62/2024



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**G.K.ILANTHIRAIYAN
J.**

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