



Crl.O.P.No. 5029 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 5029 of 2025

M.Santhosh Kumar

.... Petitioner

Vs

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

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the return and docket order in Crl.M.P.SR.No.2352 of 2025 dated 29.11.2024 on the file of Special Court for EC/NDPS Act, Salem and set aside the same and consequently issue direction to Special Court for EC/NDPS Act, Salem to number the Crl.M.P.SR.No.2352 of 2025.

For Petitioner : Mr.C.Deepak Kumar

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

ORDER

This Criminal Original Petition has been filed challenging the docket order dated 29.11.2024 in Crl.M.P.SR.No.2352 of 2025 on the file of Special Court for EC and NDPS Act, Salem, thereby rejecting the



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application filed by the petitioner under Section 497 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking the return of the cell phone which was seized during investigation in Crime No.62 of 2024.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. It is seen from the records that the Trial Court rejected the application as not maintainable in view of the order passed by this Court in Crl.RC(MD) No.41 of 2019 dated 16.06.2023. Though the petitioner has no case on merits, the Trial Court ought to have numbered the application, taken it on file and passed orders on merits and in accordance with law.

4. In view of the above, the docket order dated 29.11.2024 in Crl.M.P.SR.No.2352 of 2025 on the file of Special Court for EC and NDPS Act, Salem, is hereby set aside. The petitioner is directed to re-present the petition under Section 497 of Bharatiya Nagarik Suraksha Sanhita, 2023 for return of the seized cell phone. On receipt of the same, the Trial Court is directed to pass orders on merits and in accordance with



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5. With the above direction, this Criminal Original Petition stands allowed.

24.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1. The Special Court for EC and NDPS Act,
Salem.

2. The Inspector of Police,
NIB CID, Salem,
Salem District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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