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Crl.RC.No.1035 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.1035 of 2025

Manoj Kumar
S/o. Masilamani
1/159 Seenivasa Nagar,
Chetti Palayam Road,
Seerapalayampudur,
Coimbatore.

...Petitioner

Vs.

The State Rep. by
Inspector of Police,
Kuniniyamuthur P.S.,
Coimbatore.
Cr.No.116/2024

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w. 401 of BNSS, 2023, to set aside the order passed in C.M.P.No.2421 of 2024 on the file of the learned Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District dated 03.09.2024.

For Petitioner : Mr.S.Manoj Vasanth

For Respondent : Mr.A.Gopinath

Government Advocate



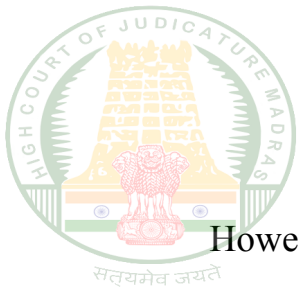
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ORDER

WEB COPY This Criminal Revision has been filed as against the order passed in C.M.P.No.2421 of 2024 on the file of the learned Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District dated 03.09.2024, thereby dismissing the petition to return the property.

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

3. The petitioner owned a *Bolero* car bearing registration number TN 49 R 6804 and *Samsung Galaxy* Mobile Phone. The case of the prosecution is that the petitioner along with other accused were found in possession of 10 gm of methamphetamine. Hence, the respondent police registered a FIR in Cr.No.116 of 2024 for the offences punishable under Sections 8(c) r/w. 20(b), 25 of NDPS Act, and later they were remanded to judicial custody. The vehicle and the mobile phone which was used by the accused was seized in pursuance of registration of FIR and deposited before the Court. Therefore, the petitioner who is being the owner of the vehicle and the mobile phone, filed a petition before the trial Court to return the property.



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However, the said petition was dismissed.

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4. On a perusal of the records it is seen that the aforesaid vehicle of the petitioner was used for committing the offence punishable under Sections 8(c) r/w. 20(b), 25 of NDPS Act. Hence, this Court is not inclined to return the aforesaid vehicle. In so far as the mobile phone is concerned, it has got nothing to do with the case as alleged by the prosecution. Hence, this Court is inclined to return the mobile phone of the petitioner alone.

5. In view of the above discussions, this Criminal Revision is partly allowed and the learned Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District, is directed to return the *Samsung Galaxy* Mobile Phone alone to the petitioner on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District, to the credit of Crime No.116 of 2024 pending on the file of the respondent police.



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(ii) the petitioner shall produce the mobile phone before the Court and

before the respondent police as and when required;

(iii) If any of the conditions are violated, this order automatically stands cancelled.

6. Accordingly, the Criminal Revision Case stands allowed.

10.07.2025

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

1. The Additional District Judge / Presiding Officer, Special
Court for Essential Commodities Act Cases, Coimbatore District
2. The Inspector of Police,
Kuniniyamuthur P.S.,
Coimbatore.
3. The Public Prosecutor
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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