



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2420 of 2025

Boopathi Raja
S/o.Selvam,
No. 4/195, Sunnambukaarar Street,
Jaarikondalampatti, Salem District.

Petitioner(s)

Vs

State by The Inspector of Police
PEW Namakkal Police Station,
Namakkal District.
Crime No. 133/2025.

Respondent(s)

CRL RC No. 2420 of 2025

PRAYER

To call for the records of impunged order made in Crl.M.P,No. 706/2025 dt. 06.10.2025 passed by the learned Principal Special Judge for EC/NDPS Act Cases, Salem and set aside the same and order return of the Vehicle, Ertiga Car bearing Regn No. TN-90-K-8597 and Vivo V 23 5 G Mobile concerned in Crime No. 133/2025 on the file of the respondent to the custody of the petitioner herein.



For Petitioner(s): Mr. M.R.Elavarasan

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed challenging the order dated 06.10.2025 passed in Crl.M.P.No.706 of 2025 by the learned Principal Special Judge for EC/NDPS Act Cases, Salem, thereby dismissing the petition filed for return of vehicle, viz., Volks Wagen Jetta 2.0 LCR TDI car bearing Registration No.TN-42-Y-9090.

2. The case of the petitioner is that the petitioner is the owner of the vehicle viz. Ertiga car bearing Regn. No.TN-90-K-8597 and Vivo V 23 5G mobile phone. The said Car was seized by the respondent police on 25.04.2025 in connection with Crime No.133 of 2025 for the offence under Section 8(c), r/w 20(b)(ii)(B), 25, 29(1) of NDPS Act alleging that all the accused allegedly were in possession of contraband and recovered the car from them. Therefore, the petitioner filed a petition in Crl.M.P.No.706 of 2025 before the Principal Special Court for EC/NDPS Act Cases, Salem invoking Section 497 of B.N.S.S. seeking return of properties, but the same was dismissed by order dated 06.10.2025. Aggrieved by the same, the present revision is filed.



3. The learned counsel for petitioner would submit that he filed a petition seeking for return of vehicle along with mobile phone and the same was erroneously dismissed by the trial court holding that he is an accused and the vehicle was also used for illegal transportation of contraband. Hence, he prayed to set aside the findings of trial court.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner had used the vehicle for transportation of contraband and 2.100 kgs. Of ganja was recovered from him. He would submit that there is no previous case pending against him and the vehicle was recovered during the course of investigation. He would submit that totally there are two accused involved in this case and the petitioner is ranked as A1. Hence, he objected to return of the vehicle.

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

6. A perusal of the records reveals that the four-wheeler and the mobile phone were seized from the petitioner and the same were deposited before the Trial Court. The said mobile phone and four-wheeler owned by the petitioner have nothing to do with the alleged offence. Even according to the case of the



prosecution, the petitioner had used the vehicle for illegal transportation of ganja and there is no previous case pending against him. Further the provision under Section 451 of Cr.P.C./497(1) of BNSS provides for protection of the property from degradation due to non maintenance in the custody of the police as it takes long time for conclusion of criminal proceedings. The vehicle is in broad day light from the date of seizure and the trial has also been commenced and hence no useful purpose will be served in keeping the vehicles parked in the sunlight and rain.

7. In view of the above, this Court is inclined to order the return of the four-wheeler and the mobile phone to the petitioner. Accordingly, the order dated 06.10.2025 passed in Crl.M.P.No.706 of 2025 on the file of the Principal Special Judge for EC/NDPS Act Cases, Salem, is hereby set aside. The learned Principal Special Judge for EC/NDPS Act Cases, Salem, is directed to return the vehicle viz. Ertiga car bearing Regn. No.TN-90-K-8597 and Vivo V 23 5G mobile phone to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to deposit a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) to the satisfaction of the concerned Magistrate to the credit of Crime No.706 of 2025 pending on the file of the respondent police. On such deposit, the vehicle is ordered to be returned and the petitioner is permitted to take the vehicle and to receive the mobile phone.



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(ii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate and the original invoice or bill of the mobile phone;

(iii) the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iv) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

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

8. Accordingly, the Criminal Revision Case stands allowed.

19-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Principal Special Judge for EC/NDPS Act Cases, Salem.

2. The Inspector of Police

PEW Namakkal Police Station, Namakkal District.

3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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