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Crl.O.P.(MD)Nos.1308 and 1309 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1308 and 1309 of 2025

Senthil Kumar

: Petitioner in

Crl.O.P(MD).No.1308 of 2025

Dickson Prakash

: Petitioner in

Crl.O.P(MD).No.1309 of 2025

Vs.

State rep., bthrough
The Inspector of Police,
Koodal Pudhur Police Station,
Madurai District.
Crime No.471 of 2024

: Respondent in both petitions

COMMON PRAYER : Criminal Original Petitions filed under Section 528 of BNSS, to set aside the docket order passed in e-filing Crl.M.P.No.SR4582 of 2024 and Crl.M.P.No.SR4581 of 2024 in Crime No.471 of 2024 by the Principal Special Court for EC and NDPS Act Cases, Madurai, dated 02.11.2024, subsequently, directing to number the petitioner and dispose within the time framed by this Court.

In both petitions

For Petitioners : Mr.A.Naresh Prabhu

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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COMMON ORDER

The petitioners, who is owner of the property, had filed a petition for return of property before the Principal Special Court for EC and NDPS Act Cases, Madurai,. The learned Judge citing the Nagoorkani's case had not entertained the petition and returned the same, which may not be proper. This Court citing the Hon'ble Apex Court judgment in ***Sainaba Vs., State of Kerala and Anr in Crl.A.No.2005 of 2022*** reported in ***2022 (7) KHC 2731*** had passed an order that Nahoorkani's case is no more *res-judicata* and return of property petition involving NDPS Act cases can be entertained and it has been decided on its own merits. In view of the same, the impugned docket orders in unnumbered Crl.M.P.No.SR4582 of 2024 and Crl.M.P.No.SR4581 of 2024 in Crime No.471 of 2024 passed by the Principal Special Court for EC and NDPS Act Cases, Madurai, dated 02.11.2024, is hereby set aside and this Court directed the petitioners to re-present the petition and on such re-presentation, the learned Judge shall receive the petition and decide the same on its own merits.



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2. With the above direction, these Criminal Original Petitions are
allowed.

20.12.2024

NCC : Yes/No
Index : Yes / No

Rmk

**Note: Registry is directed to return the original papers filed along
with these petitions to the petitioners.**

Issue order copy on 28.01.2025

To

1.The Principal Special Court for EC and NDPS Act Cases, Madurai.

2.The Inspector of Police,
Koodal Pudhur Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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