



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25-03-2026**

CORAM

**THE HON'BLE MR JUSTICE M. NIRMAL KUMAR**

**CRL OP No. 7558 of 2026**

Senthilnathan

..Petitioner(s)

Vs

The State Rep By Its,  
The Inspector of Police,  
Tiruppur South Police Station,  
Tiruppur District.  
Cr.No.716 of 2025

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to set aside the docket order dated 16.02.2026 passed in CrI.M.P.SR.No.723 of 2026 on the file of the learned Additional District Judge, Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore and return the vehicle bearing Registration No.TN 42 AP 0055 seized by the respondent Police in connection to Crime No.716 of 2025.

For Petitioner(s): Mr.D.Senthur Kugan

For Respondent(s): Mr.Leonard Arul Joseph Selvam,  
Addl. Public Prosecutor

### **ORDER**

The petitioner had filed a petition in CrI.MP.SR.No.723 of 2026 seeking return of the property involved in Crime No.716 of 2025. However, the same was not entertained and was returned. Hence, the present Criminal Original Petition has been filed.



2. The contention of the petitioner is that he was standing along with 7 other accused persons and alleged seizure of the contraband was seized from the 1<sup>st</sup> accused and further, proceeded to seize the standing vehicle bearing Registration No.TN 42 AP 0055 belonging to the petitioner parked in the scene of occurrence.

3. He further submitted that the Apex Court had categorised the entitlement of petitioners for return of property into four categories. In respect of categories 1 and 2, there are certain restrictions, whereas in respect of categories 3 and 4, the claimants are entitled to seek return of property. In support of his submission, reliance was placed on the judgment of the Hon'ble Supreme Court in *Denash vs. State of Tamil Nadu* reported in 2025 SCC Online SC 2236 and *Bishwajit Dey vs. State of Assam* reported in 2025 INSC 32.

4. In a similar situation in Crl.OP.No.33623 of 2025, this Court by order dated 11.12.2025 had not approved the practice of returning the petition seeking return of property and had directed the Trial Court to follow the directions issued the Apex Court. Despite the same, the Lower Court not entertaining the petition and returned the same on 10.02.2026 is not proper.



5. The learned Additiional Public Prosecutor submitted that the Trial Court had referred to ROC.No.10143-A/2025/F1 dated 18.06.2025 and returned the petition. However, he fairly submitted that the Supreme Court's directions are otherwise. He further submitted that the decision to return the property or reject the claim is within the discretion of the Trial Court. In all fairness, following the principles of *audi alteram partem*, the petition ought to have been entertained, heard, and thereafter appropriate orders to be passed.

6. Considering the above submissions, it is seen that this Court in Crl.OP.No.33623 of 2025 by order dated 11.12.2025, had already deprecated the practice of returning the petitions without following the Supreme Court guidelines. More so, not even entertaining the petition is not proper in law. In view of the same, the petitioner is directed to resubmit the returned petition. The Lower Court shall entertain the petition, hear the petitioner and thereafter pass appropriate orders considering the merits of the claim petition. The Registry to return the originals to the petitioner, who shall represent the same before the concerned Court.

7. Accordingly, this Criminal Original Petition is disposed of. The Registry is directed to return the original documents to the petitioner.

**25-03-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
VKR



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**M.NIRMAL KUMAR, J.**

**VKR**

To

- 1.The Additional District Judge/Presiding Officer,  
Special Court for Essential Commodities Act Cases,  
Coimbatore.
- 2.The Inspector of Police,  
Tiruppur South Police Station,  
Tiruppur District.
- 3.The Public Prosecutor,  
High Court of Madras.

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