



WEB COPY



Crl.R.C.Nos.1554 & 2023 of 2023 and 529 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.03.2024
PRONOUNCED ON : 29.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.Nos.1554 & 2023 of 2023 and 529 of 2024

Crl.R.C.No.1554 of 2023

D.Sakthivel (aged 35),
TES-AMM (India) Private Limited,
Rep. by its authorized signatory and Senior Manager
A-18, SIPCOT Industrial Growth Centre,
Panrutti 'A' Village, Oragadam,
Sriperumpudur Taluk,
Kancheepuram District. ... Petitioner

Vs.

1.State,
Rep. by Inspector of Police,
Walajabad Police Station.
[C.R.No.306/2019].

2.M/s.Competition Team Technology India Private Limited,
Represented by its Authorized Signatory & Manager – HR Mr.Justin Jose,
Having office at Indo Space, Block 'B' Panruti Village,
Oragadam – Wallajabad Road,
Sriperumbudur – 602 105,
Kancheepuram District. ... Respondent

[R2 impleaded as per order of this Court,
dated 04.03.2024 in Crl.M.P.No.17088
of 2023 in Crl.R.C.No.1554 of 2023.]



Crl.R.C.Nos.1554 & 2023 of 2023 and 529 of 2024

Crl.R.C.No.2023 of 2023

M/s.Competition Team Technology India Private Limited,
Represented by its Authorized Signatory & Manager – HR Mr.Justin Jose,
Having office at Indo Space, Block 'B' Panruti Village,
Oragadam – Wallajabad Road,
Sriperumbudur – 602 105,
Kancheepuram District.

... Petitioner

Vs.

1.The State,
Rep. by Inspector of Police,
Walajabad Police Station,
Kancheepuram District.

2.The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.

... Respondents

[R2 suo-motu impleaded as per order of
this Court, dated 04.03.2024 in
Crl.R.C.No.2023 of 2023.]

Crl.R.C.No.94 of 2024

D.Sakthivel aged 35, S/o.Dasarathan,
TES-AMM (India) Private Limited Company,
Rep. by its authorized signatory and Senior Manager
A-18, SIPCOT Industrial Growth Centre,
Panrutti 'A' Village, Oragadam,
Sriperumpudur Taluk,
Kancheepuram District.

... Petitioner

Vs.

State,
Rep. by Inspector of Police,
Walajabad Police Station.
[C.R.No.306/2019].

... Respondent



Prayer in Crl.R.C.No.1554 of 2023: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the order of the learned Judicial Magistrate No.II, Kancheepuram dated 19.06.2023 passed in C.M.P.No.58 of 2020 in C.R.No.306 of 2019.

Prayer in Crl.R.C.No.2023 of 2023: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records in Crl.M.P.No.2695 of 2019 on the file of the learned Judicial Magistrate No.II, Kancheepuram and set aside the order dated 19.06.2023 and grant the interim order of the goods to the petitioner.

Prayer in Crl.R.C.No.529 of 2024: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the order of the learned Judicial Magistrate No.II, Kancheepuram dated 19.06.2023 passed in C.M.P.No.2881 of 2019 in C.R.No.306 of 2019.

In Crl.R.C.No.1554 of 2023:

For Petitioner	:	Mr.K.V.Karthik Subramanian
For R1	:	Mr.S.Raja Kumar, Additional Public Prosecutor
For R2	:	Mr.V.Vijayakumar

In Crl.R.C.No.2023 of 2023:

For Petitioner	:	Mr.V.Vijayakumar
For R1 & R2	:	Mr.S.Raja Kumar, Additional Public Prosecutor

In Crl.R.C.No.529 of 2024:

For Petitioner	:	Mr.K.V.Karthik Subramanian
For Respondent	:	Mr.S.Raja Kumar, Additional Public Prosecutor



Crl.R.C.Nos.1554 & 2023 of 2023 and 529 of 2024

COMMON ORDER

WEB COPY

Crl.R.C.No.2023 of 2023 has been filed by M/s.Competition Team Technology Indian Private Limited (In short 'Competition Team Technology') to set aside the impugned order, dated 19.06.2023 in C.M.P.No.2695 of 2019 passed by the learned Judicial Magistrate No.II, Kancheepuram.

2.Crl.R.C.No.1554 of 2023 has been filed by M/s.TES-AMM (India) Private Limited (In short 'TES-AMM') to set aside the impugned order, dated 19.06.2023 passed on intervening petition in C.M.P.No.58 of 2020 by the learned Judicial Magistrate No.II, Kancheepuram.

3.Crl.R.C.No.529 of 2024 has been filed TES-AMM to set aside the impugned order, dated 19.06.2023 in C.M.P.No.2881 of 2019 passed by the learned Judicial Magistrate No.II, Kancheepuram.

4.The Competition Team Technology filed Crl.M.P.No.17088 of 2023 in Crl.R.C.No.1554 of 2023 to get implead himself as 2nd respondent in the



revision and the same was ordered on 04.03.2024.

WEB COPY

5.It is clarified that Crl.R.C.No.2023 of 2023 is filed by Competition Team Technology against the impugned dismissal order, dated 19.06.2023 in C.M.P.No.2695 of 2019. This Court to ascertain the position and status of Crime No.686 of 2018 which was registered and investigated by the Inspector of Police, Sriperumbudur Police Station, Kancheepuram District with regard to Sony TV parts, had impleaded the Inspector of Police, Sriperumbudur Police Station, Kancheepuram District as 2nd respondent in Crl.R.C.No.2023 of 2023.

6.Since all the criminal revision cases arise out of FIR in Crime No.306 of 2019 registered and investigated by the Inspector of Police, Walajabad Police Station, Kancheepuram District with regard to 104 Sony LED 32 inch televisions, all the revisions are disposed by way of common order.



7.This Court on 04.03.2024 had passed the following order:

“The petitioner in Crl.RC.No.1554 of 2023 filed this petition challenging the order passed by the learned Judicial Magistrate No.II, Kanchipuram in Crl.M.P.No.58 of 2020 in Crime No.306 of 2019 dated 19.06.2023.

2.The contention of the learned counsel for the petitioner is that the petitioner is a Meteorological Company who received around 700 Television sets of various sizes from Sony India Private Limited, Bangalore warehouse which was transported by Global Trans Cargo on 10.06.2019. Referring to the delivery challan, he submitted that it is electronic waste handling over to E-waste Agency and he also produced e-way bill showing that the place of despatch is Bangalore and the destination is the petitioner's Company at Oragadam, Sriperumbudur Taluk. Further referring to the Certificate of Sony India Private Limited dated 10.06.2019, he submitted that vide D7.No.270005108, total quantity of 700 Televisions were acquired by the petitioner which has been transported from Sony India Private Limited. He would submit that out of 700 Televisions, 264 Televisions are of 32” inches. Further, 104 Televisions were seized by the respondent police in Crime



No.306 of 2019 invoking Section 102 Cr.P.C. These Televisions are e-waste, for which, the petitioner filed a petition seeking return of property before the Trial Court in Crl.M.P.No.2881 of 2019. Likewise, the impleaded second respondent in Crl.RC.No.1554 of 2023 filed a petition seeking return of Televisions in Crl.M.P.No.2695 of 2023, in which, the petitioner filed an intervening petition in Crl.M.P.No.58 of 2020. The Trial Court dismissed all the petitions for the reason that investigation is at the initial stage and the respondent police to file a detailed status report with regard to the investigation carried so far. He further submitted that in this case, the respondent police, namely, Mr.S.Prabakar, Inspector of Police, Walajabad Police Station filed a counter giving details about registration of the case, seizure of Televisions and dismissal of return of property petition but without any reasons about the stage of the case which this Court had earlier directed the learned Additional Public Prosecutor to file.

3.Learned counsel for the petitioner further submit that the impleaded second respondent who claims himself to be the Manager of Competitive Team Technology India Private Limited has got nothing to do with this case and the property. He would submit that in Crime No.306 of 2019,



totally there are three accused, A1/Anbazhagan, A2/Soundarrajan and A3/Raja @ Rajasekar. The said Raja @ Rajasekar is an employee of the petitioner's Company who has been employed with effect from 24.05.2017 as Executive Technical and by letter dated 01.07.2019 his employment was notified with ESIC consequent to the amendment made, thus he is an employee is not in dispute. Further it is seen that A1 and A2 are brothers and are residing in the same Village. The case of the accused in Crime No.306 of 2019 is that 104 Televisions which were transported are without any invoice or transport documents which is admitted by them. They transported the said 104 Televisions on the request and handing over by A3 without any documents in TATA Goods Carrier bearing registration No.TN-19-W-5789. He further submitted that in this case the Televisions are now dumped and not properly maintained causing damage to the Televisions and making it unusable and worthless. He would further submit that he is also not aware as to what had happened to the vehicle which carried these Televisions bearing registration No.TN-19-W-5789.

4.The learned counsel for the impleaded second respondent in Crl.RC.No.1554 of 2023 submitted that the goods belongs to the second respondent who was authorized



by Sony India Private Limited to assemble and make it as a complete Television. They have the requisite ISI number which is found in all the Televisions. He would submit that they already lodged a complaint earlier, case was registered in Crime No.686 of 2018 for the offence under Section 381 IPC on 03.11.2018 by the Sriperumbudur Police, in which they had stated that during verification of the stock on 02.11.2018 they found Pannel- 32" inch – 23 Nos., Board -30 Nos, Bezel-16 Nos., Rear Cover – 26 Nos, Stand-10" inch – 23 Nos. Scew – 3 Packets, Speaker-20 Nos and Remote-5 Nos. were found missing and hence, complaint was lodged against unknown persons. He would further submit that in this case, the property has been seized by the respondent police during road check finding that A1 and A2 were transporting the Televisions without any valid documents and on enquiry, they were unable to give any particulars. Thereafter, on suspicion invoking Section 102 Cr.P.C. case registered, property seized and produced before the learned Judicial Magistrate No.II, Chengalpattu and it is in the custody of the Trial Court. He further submitted that the petitioner has challenged the order of the Trial Court dismissing the intervening petition filed by them but they have not challenged the order dismissing the petition filed seeking return of property in Crl.M.P.No.2881



of 2019. Hence, the petitioner's prayer cannot be entertained.

5.The learned Additional Public Prosecutor filed a counter affidavit in both the revision petitions stating that on 12.08.2019, when the respondent police conducted a vehicle check up at Walajabad to Tambaram Road, they received a secret information about illegal transfer of Televisions without permit. At that time, one TATA Goods Carrier bearing registration No.TN-19-W-5789 came there, the respondent police stopped the vehicle, conducted search, enquired the accused persons and seized the Televisions. Thereafter, a case was registered in Crime No.306 of 2019 under Sections 41D and 102 Cr.P.C. During the course of investigation, the accused persons were arrested and remanded to judicial custody. The seized Televisions were produced before the learned Judicial Magistrate No.II, Kanchipuram and the same was taken on file and assigned P.I.No.18 of 2021 and P.I.No.108 of 2021 dated 13.09.2021.

6.At this juncture, the learned counsel for the petitioner submitted that a common order was passed in Crl.M.P.Nos.2695/2019, 2881/2019 and 58/2020 but fairly submitted that though reference was made to



Crl.M.P.No.2881 of 2019, it does not find in cause title. Hence, he seeks small accommodation to verify the same, obtain necessary certified copy of the order in Crl.M.P.No.2881 of 2019 and file a revision before this Court.

7.The learned Additional Public Prosecutor to file a counter of the Inspector of Police Mr.Manimaran, who had suo motu registered FIR in Crime No.306 of 2019 for arriving at the satisfaction and what steps are taken in furtherance to it and the Present Investigating Officer for the investigation so far conducted to ascertain the contention of both the petitioner and the impleaded second respondent and about the vehicle which was used to transport the Televisions.

8.In the meanwhile, the Trial Court to forthwith send the entire documents in Crl.M.P.Nos.2695/2019, 2881/2019 and 58/2020 to this Court. The respondent police, Inspector of Police, Walajabad Police Station to be present before this Court on the next hearing date along with the case diary in Crime No.306 of 2019.

9.The learned counsel for the impleaded second



respondent submitted that the employees of the second respondent in a clandestine manner removing the Sony TV parts and had been selling in the open market which belongs to them.

10.In view of the above, the Inspector of Police, Sriperumbudur Police Station is suo motu impleaded as second respondent in Crl.RC.No.2023 of 2023. Further, the Inspector of Police, Sriperumbudur Police Station is directed to be present before this Court on the next hearing date along with the case diary in Crime No.686 of 2018.

11.Post the matter on 12.03.2024.”

8.In continuation and conjunction to the above order, this Court is passing the following order.

9.The case of the prosecution is that on 12.08.2019, the respondent Police was conducting vehicle check at Walajabad-Tambaram Road, at that time, the respondent Police received secret information about illegal transportation of television sets without any valid document. At about 07.45



a.m, one TATA goods carrier bearing Reg.No.TN-19-W-5789 intercepted and stopped. The Driver and other person stopped the vehicle, jumped out and attempted to flee. When they caught and enquired, they gave contradictory statements. The Driver of the lorry identified as Anbazhagan/A1 and accompanied person is one Soundarrajan/A2, brother of A1. When the vehicle searched, 104 Sony LED 32 Inch televisions found and transported without any invoice or document. Since the said persons could not give proper reason and valid document, they were detained and taken to the Police Station along with seized goods and lorry. Thereafter, a case in Crime No.306 of 2019 for offence under Sections 41(1)(d) & 102 of Cr.P.C registered against A1/Anbazhagan, A2/Soundarrajan and A3/Raja @ Rajasekar. During the course of investigation, the accused produced before the Judicial Magistrate No.II, Kancheepuram who remanded him to judicial custody. A3/Raja @ Rajasekar obtained anticipatory bail from this Court in Crl.O.P.No.24466 of 2019. The seized TATA Goods Carrier bearing Reg.No.TN-19-W-5789 along with 104 Sony LED 32 Inch televisions produced before the learned Judicial Magistrate No.II, Kancheepuram and the same assigned property in P.Nos.18 of 2021 & 108 of 2021 on



13.09.2021. At this stage, both TES-AMM and Competition Team Technology filed return of property petition before the learned Judicial Magistrate No.II, Kancheepuram in C.M.P.No.2881 of 2019 and C.M.P.No.2695 of 2019. Both the petitions dismissed on 19.06.2023. Against which, the present criminal revision petitions filed. In the return of property petition filed by Competition Team Technology in C.M.P.No.2695 of 2019, TES-AMM filed Intervener Petition in C.M.P.No.58 of 2020 seeking return of 104 Sony LED 32 Inch televisions before the learned Judicial Magistrate No.II, Kancheepuram but the same also dismissed on the same day on 19.06.2023. Against which, Crl.R.C.No.1554 of 2024 filed.

10.The learned counsel appearing for the petitioner/TES-AMM in Crl.R.C.Nos.1554 of 2023 & 529 of 2024 submitted that in this case, 104 Sony LED 32 Inch televisions transported without valid documents by A1/Anbazhagan, his brother Soundarrajan/A2 on the instructions of Raja @ Rajasekar/A3. The goods seized by the Inspector of Police Walajabad Police during routine road check on 12.08.2019. A1/Anbazhagan/Driver and A2/Soundarrajan/Occupant of the TATA Goods Carrier lorry bearing



Reg.No.TN-19-W-5789 detained and the vehicles and goods seized.

Thereafter, FIR in Crime No.306 of 2019 registered for offence under Sections 41(1)(d) & 102 of Cr.P.C and accused and seized goods produced before the learned Judicial Magistrate No.II, Kancheepuram. On coming to know about the same, TES-AMM filed return of property petition claiming that the petitioner Company is an Internationally Renowned IT Asset Disposition (ITAD) and e-waste and battery recycling partner, specialized in waste recycling process. The petitioner Company received 700 television sets of various sizes from Sony India Private Limited of Bangalore Warehouse which was despatched from Bangalore to the factory at Oragadam, Sriperumbudur. A3/Raja @ Rajasekar was an employee of the petitioner Company in employee ID.No.T0231 as 'Operations Executive'. He was appointed by appointment order, dated 22.05.2017. A3/Raja @ Rajasekar also signed the Non-Disclosure and Confidential Agreement, dated 24.05.2018 and entered into service of the petitioner's Company. The confession of A1/Anbazhagan confirmed that it is A3/Raja @ Rajasekar who entrusted 104 Sony LED 32 Inch televisions stocked in his uncle's house and directed A1/Anbazhagan 104 Sony LED 32 Inch televisions to be



transported to Chengalpet and hired the said TATA Goods Carrier vehicle for hire. A1/Anbazhagan was informed by A3/Raja @ Rajasekar that there is no valid document for 104 Sony LED 32 Inch televisions.

11.He further submitted that A3/Raja @ Rajasekar obtained Anticipatory Bail in Crl.O.P.No.24466 of 2019 in Crime No.306 of 2019, appeared before Walajabad Police and gave statement that he was an employee of the petitioner Company. Whenever any e-waste or electronic goods arrived at odd hours, it will be unloaded in A3's uncle house situated near to the petitioner's Company thereafter it would be brought to the petitioner's Company. Taking advantage of such situation, 104 Sony LED 32 Inch televisions unloaded A3 uncle's house, A3 detained and transported the same to Chengalpet with a motive to have undue gain and enrichment and attempted to cheat the petitioner Company. The petitioner produced the Consignment Note, Delivery Challan, E-Way Bill, Letter issued by Sony Corporation with regards to items transported, all dated 10.06.2019 and Weigh Bridge Certificate, dated 11.06.2019 to confirm that 104 Sony LED 32 Inch televisions belong to petitioner's Company. Despite producing all



documents in proof of ownership & possession, the learned Judicial Magistrate No.II, Kancheepuram dismissed the return of property petition in C.M.P.No.2881 of 2019 and the Intervener Petition in C.M.P.No.58 of 2020 *vide* order, dated 19.06.2023 for the reason investigation is pending. Hence, he prays for return of 104 Sony LED 32 Inch televisions.

12.The learned counsel appearing for the petitioner/Competition Team Technology in Crl.R.C.No.2023 of 2023 submitted that the petitioner Company is a Taiwan Based Multi-National Company, engaged in the business of assembling Sony LED TV sets under the contract and they are the only authorized company to assemble Sony Television in India. For the purpose of assembling, the petitioner Company imported LED panels and other components and raw materials from the main line China and assemble it at the plant at Sriperumbudur, presently shifted to Padapai and supply the same to Sony India as per their requirement. During the month of October and November 2018, regular periodical internal audit including material audit carried out by the petitioner Company, at that time, it was found that huge shortage of Sony LED TV panels and other parts stored in the



warehouse. On internal enquiry, it was found that some of its employees with the support of outsiders stolen the panels and other parts from the factory premises. Hence, the petitioner Company lodged a complaint to the Inspector of Police, Sriperumbudur Police Station for stolen goods of Sony LED TV panels and other parts and a case in Crime No.686 of 2018 registered on 03.11.2018. This being so, the petitioner Company received information that on 12.08.2019, Walajabad Police intercepted TATA Goods Carrier vehicle carrying 104 Sony LED 32 Inch televisions without proper documents near Kattavakkam Junction and FIR registered in Crime No.306 of 2019 for offence under Sections 41(1)(d) and 102 of Cr.P.C. The petitioner Company/Competition Team Technology are only authorized to assemble, manufacture Sony TV and deliver to Sony company. On that score, the petitioner/Competition Team Technology filed return of property petition before the learned Judicial Magistrate No.II, Kancheepuram in C.M.P.No.2695 of 2019, in which TES-AMM Company filed Intervener Petition in C.M.P.No.58 of 2020. The learned Judicial Magistrate No.II, Kancheepuram finding that A3/Raja @ Rajasekar is yet to be arrested and investigating is pending and there is rival claim, dismissed both



C.M.P.Nos.2695 of 2019 & 58 of 2020 on 19.06.2023.

WEB COPY

13.The learned Additional Public Prosecutor appearing for the State filed counter in all the revisions and submitted that on 12.08.2019, the Inspector of Police, Walajabad Police Station was conducting vehicle check in Walajabad to Tambaram Road near Kattavakam Junction. At that time, the TATA Goods Carrier vehicle bearing Reg.No.TN-19-W-5789 intercepted and stopped. The Driver and Occupant of the vehicle jumped and attempted to flee. The Police caught them and enquired. During enquiry, it was found that driver of the vehicle identified as Anbazhagan/A1 and person accompanied A1 is Soundarrajan/A2, brother of A1. Since both of them gave contradictory answers, vehicle checked. In the vehicle, 104 Sony LED 32 Inch televisions found and transported without any valid document. Thereafter, A1/Anbazhagan confessed that he and his brother instructed by A3/Raja @ Rajasekar to transport the TV sets to Chengalpet. Thereafter, A1/Anbazhagan and Soundarrajan/A2 produced before the Magistrate along with seized goods and lorry. A3/Raja @ Rajasekar obtained Anticipatory Bail before this Court in Crl.O.P.No.24466 of 2019 and appeared before the



investigation of Walajabad Police. A3 confessed that during the year 2017-2018 he was appointed in TES-AMM as Risk Handling Engineer and he was dealing with e-materials recycling. Whenever scrap materials received at odd hours, it could not be immediately unloaded in TES-AMM Company and used to retain the lorry. Overnight would cause extra waiting charge, the goods used to unload in the house where A3/Raja @ Rajasekar was residing and on the next day morning, A3 would shift the goods to TES-AMM Company. On 11.08.2019, at about 11.00 p.m, 104 Sony LED parts as scrap came to the factory. Since it was late hours and followed by three holidays, on the advice of his Manager Sathish, A3 unloaded the scrap televisions in his uncle house in Inno Geo City. Thereafter, A3 has gone to his native and later arranged the transport of TVs to Chengalpet through A1 and A2. This fact could not be earlier informed since the statement of A3 recorded only on 24.09.2023. For that reason, the learned Judicial Magistrate No.II, Kancheepuram dismissed the return of property for the reason that A3 is still absconding and investigation pending.

14.It is further submitted that with regard to rival contention of



Competition Team Technology, the investigation disclosed that one Justin Jose, Authorized Signatory and Manager of Competition Team Technology lodged complaint on 03.11.2018 to the Inspector of Police, Sriperumbudur Police about missing of Sony TV Television spare parts and FIR in Crime No.686 of 2018 registered for offence under Section 381 IPC. In the complaint, the Sony TV spare parts viz., (i)Pannel 32 Inch 23 numbers (ii)Board 30 numbers (iii)Bezel 16 numbers (iv)Rear Cover 26 numbers (v)Stand 10 numbers (vi)Screw 3 packets (vii)Speaker 20 numbers and (viii)Remote 5 numbers found missing during Annual Audit Material conducted by the Competition Team Technology. In that case, four accused arrested viz., A1/Alexander, A2/Tamilselvan, A3/Dinesh and A4/Ayankumar. From the house of A3 and A4, all stolen articles seized and recovered. After investigation, charge sheet filed before the learned Judicial Magistrate, Sriperumbudur in C.C.No.268 of 2018 on 27.12.2018. Added to it, Competition Team Technology filed return of property petition in C.M.P.No.4358 of 2018 and received entire seized articles. In C.C.No.268 of 2018, so far eight witnesses examined and photos of stolen articles marked and exhibited as Exs.P1 to P9.



WEB COPY

15.The learned Additional Public Prosecutor produced the deposition of Justin Jose examined on 04.03.2024, in which he confirms about missing articles, lodging complaint and receipt of missing articles. The learned Additional Public Prosecutor also produced statement of A3/Raja @ Rajasekar who was examined in Crime No.306 of 2019 on 24.09.2023 by Walajabad Police. The learned Additional Public Prosecutor submitted that the articles seized in Crime No.306 of 2019 investigated by Walajabad Police have got no connection with articles seized in Crime No.686 of 2018 except for the name of Sony. The 104 Sony LED 32 Inch televisions belong to Sony India Private Limited despatched from Bangalore Warehouse to TES-AMM Company for e-waste recycling and disposal purpose. This is confirmed by E-Way Bill and Letter, dated 10.06.2019 issued by Sony Corporation for items despatched and transported. It is confirmed by A1 and A2 that articles were handed over to them by A3/Raja @ Rajasekar without any documents. Raja @ Rajasekar/A3 confirms about removal of articles which was intended to be handed over to TES-AMM Company. Hence, the Inspector of Police, Walajabad Police altered the offence to 379



IPC on 09.03.2024 against A1 to A3 and alteration report sent to the Judicial Magistrate No.II, Kancheepuram by way of e-filing No.LTN20220002719C202400081 on 09.03.2024. In view of the same, the prosecution has got no objection to handover the seized 104 Sony LED television sets to TES-AMM Company.

16.This Court considered the rival submissions and perused the FIR in Crime Nos.686 of 2018 & 306 of 2019 and other documents produced by the learned Additional Public Prosecutor.

17.It is seen that 104 Sony LED 32 Inch televisions seized by the Inspector of Police, Walajabad Police during routine road check on 12.08.2019. The Driver and Occupant of the vehicle is A1/Anbazhagan and Soundarrajan/A2 respectively. When they were questioned, they informed that on the instruction of A3/Raja @ Rajasekar, the goods loaded in TATA Goods Carrier vehicle bearing Reg.No.TN-19-W-5789 and the articles was to be transported to Chengalpet where A3/Raja @ Rajasekar would collect the same.



WEB COPY

18.The Authorized Signatory and Manager of Competition Team Technology Justin Jose filed return of property petition seeking return of 104 Sony LED 32 Inch televisions on the ground that they are authorized person to receive the spare parts of Sony TV, assemble them, make them as TV and handover the same to Sony Company. During annual audit of materials on 02.11.2018, (i)Pannel 32 Inch 23 numbers (ii)Board 30 numbers (iii)Bezel 16 numbers (iv)Rear Cover 26 numbers (v)Stand 10 numbers (vi)Screw 3 packets (vii)Speaker 20 numbers and (viii)Remote 5 numbers were found missing which is valued around Rs.3,55,000/-. Having doubt over the persons employed by the Competition Team Technology, a complaint lodged to the Inspector of Police, Sriperumbudur Police Station on 03.11.2018 and FIR in Crime No.686 of 2018 registered for offence under Section 381 of IPC. In this case, four persons/contract labours of Competition Team Technology arrested viz., A1/Alexander, A2/Tamilselvan, A3/Dinesh and A4/Ayankumar on 04.11.2018. Based on their confession, all stolen Sony spare parts seized in presence of mahazar witness and the same produced before the concerned Magistrate. On completion of investigation, charge



sheet filed in C.C.No.268 of 2018 on 27.12.2018 against the said four accused. Thereafter, Justin Jose filed return of property petition in C.M.P.No.4358 of 2018 before the learned Judicial Magistrate, Sriperumbudur who by order, dated 28.11.2018 ordered return of property to Justin Jose, Manager and Authorized Signatory of Competition Team Technology. During trial in C.C.No.268 of 2018, the said Justin Jose examined as PW1 on 04.03.2024 and marked the complaint as Ex.P1 and return of property order in C.M.P.No.4358 of 2018 as Ex.P2 and also marked nine photographs of missing articles received by them. This confirms the stolen goods seized, recovered and handed over to Justin Jose. In turn, utilized in manufacturing process since the articles had limited shelf-life. In view of the same, the contention of Competition Team Technology that 104 Sony LED 32 Inch televisions articles belong to them and they are entitled for the return of property is not sustainable and their claim is hereby rejected. Accordingly, Crl.R.C.No.2023 of 2023 stands dismissed confirming the impugned order, dated 19.06.2023 passed by the learned Judicial Magistrate No.II, Kancheepuram in C.M.P.No.2695 of 2019.

19.As regards return of property sought for by TES-AMM Company



is concerned, from the Consignment Note, Delivery Challan, E-Way Bill, Letter issued by Sony Corporation with regard to the items transports, all dated 10.06.2019 and weigh bridge certificate, dated 11.06.2019, it is not in dispute that the consignment of 104 Sony LED 32 Inch televisions is part of 700 Sony Brand LED Televisions despatched from Bangalore Warehouse of Sony India Private Limited to TES-AMM (India) Private Limited. A3 in Crime No.306 of 2019 Raja @ Rajasekar, an employee of TES-AMM appointed in the year 2017 and assigned employment I.D.No.T0231 as Executive-Technical. He signed Non-Disclosure and Confidential Agreement, dated 24.05.2017. On the instruction of A3/Raja @ Rajasekar, A1/Anbazhagan and A2/Soundarrajan transported the goods which A1 and A2 disclosed even at the inception stage which is recorded in suo-motu FIR in Crime No.306 of 2019.

20.The return of property filed by TES-AMM India before the learned Judicial Magistrate No.II, Kancheepuram in C.M.P.No.2881 of 2019 was dismissed for the reason that A3/Raja @ Rajasekar still absconding and investigation pending. From the counter filed by the learned Additional Public Prosecutor, it is seen that in this case the seized vehicle TATA Goods



Carrier bearing Reg.No.TN-19-W-5789 handed over to its owner Manikandan in C.M.P.No.3295 of 2019 on 17.03.2020. A3/Raja @ Rajasekar obtained anticipatory bail from this Court in Crl.O.P.No.24466 of 2019, appeared before Walajabad Police on 24.09.2023, gave statement that he joined in TES-AMM Company and he used to unload the scrap received at late hours, kept in his uncle's place situated near the Comapny and thereafter shift the same to TES-AMM on the next day. In this case, on 11.08.2019, A3 Raja/Rajasekar received 104 Sony LED 32 Inch televisions. The next three days being holidays, changed his mind and thereafter arranged to shift 104 Sony LED 32 Inch televisions to Chengalpet. On its way, the goods seized by the Inspector of Police, Walajabad Police. Now the alteration report filed before the Judicial Magistrate No.II, Kancheepuram altering Sections 41(1)(d) and 102 of Cr.P.C to 379 IPC on 09.03.2024. Paragraph Nos.12 to 14 of the counter, dated 19.03.2024 filed by the Inspector of Police, Walajabad Police Station is as follows:

“12.It is further submitted that during the course of investigation, I enquired the staff of TES-AMM (India) Pvt Ltd i)A.Senthilnathan, age 42 S/o Anbalagan,, Periyar Salai,



Chrompet, Chennai ii)Ponsundar, age 25 S/o Balasubramaniam, Panrutti Village, Oragadam, Kanchipuram Dt, iii)D.Sakthivel age 41 S/o Dasaradhan, Panrutti Village, Kanchipuram District and iv)Sathish Kumar S/o Ramamurthy, Bangaru Amman Thottam, Kanchipuram and recorded their statements on 09.03.2023. Same day I summoned this case accused A3 Rajasekar and enquired him and recorded his statement. Where A3 Rajasekar confessed that he committed theft of above said 104 Sony LED TVs from the TES-AMM (India) Pvt Ltd company and hide that goods at his residing place with the help of A1 and A2 of this case. He also given apology letter to the management. The management terminated the accused A3 Rajasekar from TES-AMM India Pvt. Ltd on 29.02.2020 for his theft activity. I seized copy of invoice letter fro Sony India Pvt Ltd, Bangalore mentioned that the material of 700 LED TVs is sent to TES-AMM India Pvt Ltd for recycling purpose wide reference Delivery Challan No.270005108, dated 10.06.2019.

13.It is further submitted that on the conclusion of the investigation it was found that the said 104 Sony LED TVs belongs to TES-AMM India Pvt Ltd and above said property was stolen from the TES-AMM India Pvt Ltd, it is only came to the knowledge of TES-AMM Indian Pvt Ltd., management



nearly 2 months later at the time of Police handed over the case property to the learned Judicial Magistrate Court II, Kanchipuram.

14.It is submitted that after perusing of the entire records, the said case property belongs to TES-AMM India Pvt Ltd., the accused A1 to A3 committed offence U/s.41(1)(d) and 102 Cr.P.C., @ 379 IPC on 09.03.2024 and alteration report sent to Judicial Magistrate No.II, Kancheepuram and E-filing No.LTN20220002719C202400081 on 09.03.2024. This case was yet to be charged.”

21.In view of the above, it is not in doubt that M/s.TES-AMM (India) Private Limited is the owner of 104 Sony LED 32 Inch televisions. Hence, this Court set asides the impugned order, dated 19.06.2023 in C.M.P.No.2881 of 2019 passed by the learned Judicial Magistrate No.II, Kancheepuram. Accordingly, Crl.R.C.No.529 of 2024 is allowed. Nothing survives for adjudicating in Crl.R.C.No.1554 of 2024 and the same is disposed of as closed.



Crl.R.C.Nos.1554 & 2023 of 2023 and 529 of 2024

WEB COPY

22.The learned Judicial Magistrate No.II, Kancheepuram is directed to return 104 Sony LED 32 Inch televisions to M/s.TES-AMM (India) Private Limited. The inventory, mahazar and photographs can be marked in evidence during trial in proof of seizure and for other reasons.

29.07.2024

Speaking Order/Non Speaking Order

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

vv2

To

- 1.The Judicial Magistrate No.II,
Kancheepuram.
- 2.The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.
- 3.The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.Nos.1554 & 2023 of 2023 and 529 of 2024

M.NIRMAL KUMAR, J.

vv2

PRE-DELIVERY COMMON ORDER IN
Crl.R.C.Nos.1554 & 2023 of 2023 and 529 of 2024

29.07.2024