

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.22784 of 2015

S.Ramesh

...Petitioner

Vs

State rep by
The Inspector of Police,
CSCID Department,
Vellore Unit, Vellore.

...Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to produce the seized tanker lorry bearing registration No.TN73A 8386 with furnace oil of about 8000 litres with extract measurement in Form 91 before the Judicial Magistrate No.IV, Vellore, Vellore District.

For Petitioner : Mr.K.Rajasekaran

For Respondent : Mr.C.Emalias, APP

ORDER

This petition has been filed to direct the respondent to produce the seized tanker lorry bearing registration No.TN73A 8386 with furnace oil of about 8000 litres with extract measurement in Form 91 before the learned Judicial Magistrate No.IV, Vellore.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor for the respondent and perused the materials placed on record.

3. On intelligence, the respondent police intercepted a lorry bearing registration No.TN73A 8386 on 03.08.2013 at Pallikonda Toll Gate in Vellore District and the police found that the lorry was transporting furnace oil from Indian Oil Corporation to Mettur Thermal Power Station. The respondent police registered a case in Crime No.198 of 2013 under Section 2[e][iv][v][vi] of Motor Spirit Hi-speed Diesel Regulation of Supply Distribution and Prevention of Malpractices Order 1998 r/w 7[i][a] of Essential Commodities Act and 407 IPC.

4. This Court quashed the prosecution in Crime No.198 of 2013, in respect of offences under the Essential Commodities Act by the Common Order in CrI.OP.No.21121, 21941 and 21944 of 2013 on 25.02.2014. It is seen that the lorry with the oil is kept parked in a Government authorised godown in Tiruppur. The lorry with the oil have not been produced properly in accordance with law, before the learned Judicial Magistrate-IV, Vellore, despite several directions by the learned Magistrate. The police were not able to comply with the order of the learned Magistrate, on account of the dispute in the measurement of the furnace oil.

5. Be that as it may, it is dangerous to keep the lorry with oil indefinitely in a private godown, since any fire mishap will lead to a catastrophe. That apart, the Indian Oil Corporation has addressed a letter dated 08.10.2015 to the Inspector of Police, Civil Supplies CID, wherein, they have stated as follows:

"We also request you not to release the Product and Tank Truck without informing us since the product belongs to Indian Oil Corporation Limited and the outstanding dues are to be recovered from the said Transporter by our Corporation."

6. Under such circumstances, this Court directs the police to hand over the furnace oil to the Indian Oil Corporation and at that time of handing over, the Police should measure the quantity of the oil, in the presence of Indian Oil Corporation officials and report the same to the learned Judicial Magistrate-IV, Vellore. Thereafter, this Court directs the respondent police to produce the lorry before the learned Judicial Magistrate-IV, Vellore, so that the petitioner can workout his remedies, in accordance with law before the learned Magistrate. Indian Oil Corporation is directed to receive the furnace oil and dispose it of in accordance with their rules, without prejudice to their claims

against M/s.Alamelu Transport.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
CSCID Department,
Vellore Unit, Vellore.

2.The Public Prosecutor,
High Court, Madras.

3.The Chief Terminal Manager,
Tondiarpet Terminal,
Indian Oil Corporation,
Marketing Division,
Ennore High Road, Chennai-81.

4.The Judicial Magistrate IV,
Vellore.

1 CC to Mr.K.Rajasekaran, Advocate SR.No. 29375

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PA (CO)

PSI (30.10.2015)

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