

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM
Crl.R.C.No.1656 of 2016

Vasantha
W/o.Palni Raja

... Petitioner

Vs.

1.The Station House Officer,
Thavalakuppam Police Station,
Puducherry.

2.M/s.Suvanni Motors,
No.41, Cuddalore Main Road,
Thavalakuppam,
Puducherry and others.

... Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order of learned Judicial Magistrate I, Puducherry,
passed in Crl.M.P.No.5776 of 2014 in C.C.No.130 of 2014 on
28.01.2015.

For Petitioner :Mr.R.Mohandoss

For Respondents (1) :Mr.V.Balamurgan
Additional Public Prosecutor (P)

सत्यमेव जयते

O R D E R

This revision arises against the order of learned Judicial
Magistrate I, Puducherry, passed in Crl.M.P.No.5776 of 2014 in
C.C.No.130 of 2014 on 28.01.2015.

2. The accused in the case is the tenant of the petitioner.
Petitioner has tenanted the premises towards running a two
wheeler showroom. Properties belonging to the accused have been
seized by first respondent in connection with case in Crime No.3
of 2013. As the properties seized have been kept in the
petitioner's premises, petitioner filed Crl.M.P.No.5776 of 2014
in C.C.No.130 of 2014 seeking a direction towards removal of the

properties. Court below, under the impugned order, dismissed such petition. Hence, this revision.

3. Heard learned counsel for petitioner and learned counsel for respondents.

4. The grievance of the petitioner is that in effecting seizure in connection with the case registered in Crime No.3 of 2013 on the file of first respondent, towards securing the property, the first respondent has locked the premises of petitioner. In effecting seizure, it is for the police to produce the property seized before the concerned Magistrate and in the interregnum, to make their own arrangements towards its safety. Police can't impinge upon the rights of the property owner, who is not an accused in the case, by putting her property to use for storage purposes of case properties and avoiding its use by the owner thereof.

The Criminal Revision Case is allowed. The order of learned Judicial Magistrate I, Puducherry, passed in CrI.M.P.No.5776 of 2014 in C.C.No.130 of 2014 on 28.01.2015. Second respondent is directed to remove all the properties from the petitioner's premises forthwith.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Judicial Magistrate I,
Puducherry.

2.The Station House Officer,
Thavalakuppam Police Station,
Puducherry.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr Mohandoss, Advocate, SR.No.74213.

+1cc the Government Pleader(Puducheery) Sr.NO.74653.

CrI.R.C.No.1656 of 2016

MP (CO)
GN(19/01/2017)