

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

Crl.R.C.No.438 of 2016

M/s.Ravi Bala Roadways,
rep. by its Manager-Transport,
Mr.D.Manoharan, S/o C.Subramanian,
No.9, Trustpuram,
Kodambakkam, Chennai-600 024. ... Petitioner/Petitioner
/Defacto Complainant

Vs.

The State represented by
Inspector of Police,
T-16, Nazarathpet Police Station,
Chennai. (Crime No.371 of 2011) ... Respondent/Respondent

Criminal Revision Case filed under Section 397 read with 401
of Criminal Procedure Code against the order dated 14.08.2015
made in C.M.P.No.3305 of 2015 in C.C.No.37 of 2013 on the file
of the Judicial Magistrate Court-1, Poonamallee.

For petitioner : Mr.C.Prabakaran

For respondent : Mr.V.Arul, Govt. Advocate (Crl. Side)

ORDER

The Manager of M/s.Ravi Bala Roadways is the de-facto
complainant, aggrieved by the dismissal of return of property
petition under Section 451 Cr.P.C., has directed this Revision.

2. Petitioner had complained of stealing of company property
by the company servant in connivance with certain others. A case
in Crime No.371 of 2011 was registered by the respondent. In the
course of investigation, it came to light that the company's
Leener Alcoholic Benser Oil, worth about Rs.19,51,695.45 was
stealthily sold and the investigating agency could able to
recover only Rs.5,20,700/- from Al. Ex-facie, it represents part
of converted form of spoils of crime. It came out the property
of the Roadways. In the facts and circumstances, it may not
figure a material object in this case during the trial of the
case. There is no serious dispute as to the ownership of the
cash, it represents the property of the de-facto complainant.
The de-facto complainant being a business concern, is now being

deprived of the benefit of its property. In the circumstances, the order of the learned Magistrate is flawed.

3. In the result, this Crl.R.C. is allowed. The impugned order of the learned Judicial Magistrate-I, Poonamallee, passed in C.M.P.No.3305 of 2012 in C.C.No.37 of 2013, dated 14.08.2015, is set aside. The learned Magistrate is directed to disburse Rs.5,20,700/- (Rupees five lakhs twenty thousand and seven hundred only) to the authorised person of the de-facto complainant, after obtaining a personal bond for the said amount.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Copy to

1. The Judicial Magistrate No.I,
Poonamallee.
2. -Do- Thro The Chief Judicial Magistrate,
Thiruvellore.
3. Inspector of Police,
T-16, Nazarathpet Police Station,
Chennai.
4. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.C.Prabakaran, Advocate sr.16702

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srg(23/03/2016)