

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.4841 of 2016

M.Elangovan

.. Petitioner

... Vs ...

The Senior Intelligence Officer,  
Directorate of Revenue Intelligence,  
G.N.Chetty Road,  
T.Nagar, Chennai - 600 017.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Respondent not to remove the seized Sandal wood weighing 1786kgs., till completion of adjudication proceedings in connection with RR No.1 and 9 of 2014 on the file of Learned Additional Chief Metropolitan Magistrate (E.O-I and II), Egmore at Lilly Pond Complex, Chennai, from the safe custody of the office-cum-godown premises of the petitioner at No.1, Vyasar Nagar, First Street, Vyasarpadi, Chennai.

For Petitioner :

Mr.R.Sankarasubbu  
for Mr.M.Seeni Sulthan

For Respondent :

Mr.M.Venkateswaran,  
Spl Public Prosecutor for DRI cases

सत्यमेव जयते  
ORDER

The petitioner has come forward with the present petition seeking to issue a direction directing the respondent not to remove the seized Sandal wood weighing 1786kgs., till completion of adjudication proceedings in connection with RR No.1 and 9 of 2014 on the file of learned Additional Chief Metropolitan Magistrate (E.O-I and II), Egmore at Lilly Pond Complex, Chennai, from the safe custody of the office-cum-godown premises of the petitioner at No.1, Vyasar Nagar, First Street, Vyasarpadi, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner is the lawful owner of the seized sandal wood, which was kept in the premises of the petitioner. The respondent has suspected that the said sandal wood are likely to export and hence, they have initiated proceedings and seized the sandal woods and handed over the same to the interim custody of the petitioner on getting undertaken from the petitioner. Now, the respondent is trying to remove the seized Sandal wood and hence, the petitioner has come forward with this petition seeking for a direction to the respondent not to remove the seized Sandal wood till completion of adjudication proceedings in connection with RR No.1 and 9 of 2014 on the file of Learned Additional Chief Metropolitan Magistrate (E.O-I and II), Egmore at Lilly Pond Complex, Chennai.

3. The learned Special Public Prosecutor submitted that the petitioner has given an undertaking stating that he will not remove the seized sandal wood till the completion of adjudication proceedings in connection with RR No.1 and 9 of 2014 on the file of Learned Additional Chief Metropolitan Magistrate (E.O-I and II), Egmore at Lilly Pond Complex, Chennai. But when the respondent wants to take inventory of the property, the petitioner has to co-operate for the same and hence, the learned Special Public Prosecutor prays for the dismissal of the petition.

4. This Court has considered the rival submissions made by the learned counsel on either side and perused the records.

5. On a perusal of the typed set of papers, it is apparent that in the godown of the petitioner, Sandal wood weighing 1786 Kgs has been found. According to the learned Special Public Prosecutor appearing for the respondent, because they are not having sufficient place, the seized sandal wood has been handed over to the safe custody of the petitioner after getting undertaken from the petitioner that he will not remove the same and export. It is also an admitted fact that since the respondent wants to take inventory of the property, they have given an intimation to the petitioner, but the petitioner has not co-operated for the same since, there is bereavement in his house.

6. In such circumstances, I am of the view that it is a fit case to give a direction to the petitioner to co-operate with the respondent to make an inventory of the goods within a period of one week from the date of receipt of a copy of this order. Further, till the disposal of adjudication proceedings in connection with RR No.1 and 9 of 2014 on the file of Learned Additional Chief Metropolitan Magistrate (E.O-I and II), Egmore at Lilly Pond Complex, Chennai, the respondent is directed not to remove the seized Sandal wood, which was given to the interim custody of the petitioner on the undertaking given by him.

7. With the above directions, this Criminal Original Petition is disposed of.

Jrl

s/d-  
Assistant Registrar(J)

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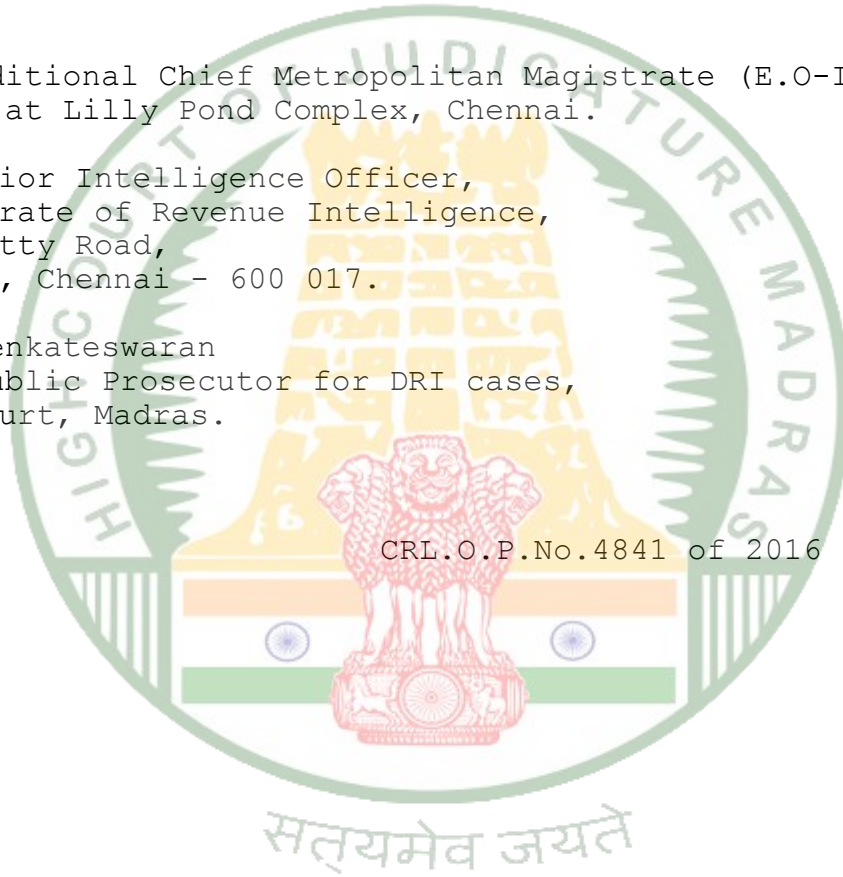
Sub-Assistant Registrar

To

1. The Additional Chief Metropolitan Magistrate (E.O-I and II),  
Egmore at Lilly Pond Complex, Chennai.
2. The Senior Intelligence Officer,  
Directorate of Revenue Intelligence,  
G.N.Chetty Road,  
T.Nagar, Chennai - 600 017.
3. Mr.M.Venkateswaran  
Spl. Public Prosecutor for DRI cases,  
High Court, Madras.

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