



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2016

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. (MD) No.5148 of 2016

A.Roja Begum

... Petitioner

vs.

1.The Superintendent of Police
Ramanathapuram District
Ramanathapuram

2.The Inspector of Police
Q-Branch, Ramanathapuram

... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C., to direct the second respondent to shift the 50 gunny bags containing 50 Kg, white powder each pertaining to the criminal case in S.C.No.289 of 2009 pending on the file of the Subordinate Court, Paramakudi, from the property of the petitioner bearing Survey No.235/1A in Nalukottai Village, Sivagangai District to any other place.

For Petitioner :Mr.R.Pandi Maharaja

For Respondents :Mrs.S.Prabha
G.A.(CrI.Side)

O R D E R

The petitioner has filed this criminal original petition, under Section 482 Cr.P.C., seeking direction upon the second respondent to shift the gunny bags 50 in numbers, each containing 50 Kgs., white powder, pertaining to the Sessions Case, in S.C.No.289 of 2009, on the file of the learned Sub Judge, Paramakudi, from his property bearing Survey No.235/1A of Nalukottai Village, Sivagangai District to any other place.

2. Heard Mr.R.Pandi Maharaja, learned counsel appearing for the petitioner and Mrs.S.Prabha, learned Government Advocate (Criminal Side) appearing for the respondents.



3. It is seen that the petitioner has purchased the property in Survey No.235/1A of Nalukottai Village, Sivagangai District, on 31.03.2006, from her son-in-law, by name, Abudhagir. On 18.11.2007, the respondent Police registered a case, in Crime No.1 of 2007, under Sections 10(a)(iv) of Unlawful Activities (Prevention) Amendment Act, 2004, 5(a) of Explosive Substance (Amendment) Act, 2001, 120(B) I.P.C., r/w 14 of Foreigners Act, 1946 and 3(a) and 6(a) of Passport (Entry into India) Rule, 1950, in which neither the petitioner nor her son-in-law Abudhagir is arrayed as accused. Pursuant to the F.I.R. registered, the respondent Police conducted investigation and seized huge cache of explosives from the vehicle bearing registration No.TN65 6112 and the same was produced before the learned Judicial Magistrate, Paramakudi, in P.R.No.140 of 2007. Subsequently, on the orders of the learned Judicial Magistrate, the seized property was returned to the respondent Police, on the ground that there is no place in the Court for storing the same. Therefore, the respondent Police took the custody of the seized property and stored it in the petitioner's Godown from 2007.

4. Further, it is seen that on completion of investigation, in Crime No.1 of 2007, the respondent Police filed a final report before the concerned Judicial Magistrate and the same has been committed to the Court of Sessions, Paramakudi, and the same is pending on the file of the learned Sub Judge, Paramakudi, in S.C.No.289 of 2009, till today.

5. The petitioner has come up with this criminal original petition seeking direction upon the second respondent to remove the explosives that are unnecessarily stored in his Godown from 2007.

6. Admittedly, no rent is being paid to the petitioner for storing the explosives in her property. Under such circumstances, this Court directs the respondent Police to remove the seized explosives from the petitioner's property within a period of seven days from the date of receipt of a copy of this Order and store the same in any other place.

7. With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar



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To

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Q-Branch, Ramanathapuram.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.R.Pandi Maharaja Advocate Sr.No.18854

GJM/JGB/DP/AR-I-5.4.16-3p-5C

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