

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P. No.5360 of 2017

M/s Bridgestone India Private Limited

Rep. by its authorised signatory

Shri R.R.Pattabi Seetharaman

2nd Floor, Rukshana Towers,

New No.51, Hindi Pracharr Sabha Street,

(Opp. Venkatanarayana Road),

T.Nagar, Chennai 600 017.

... Petitioner

Vs

1. The Assistant Commissioner of Police,
Madhavaram District, Greater Chennai Police,
128, G.N.T.Road,
Madhavaram, Chennai 600 110.
2. The Deputy Commissioner of Police,
Madhavaram District, Greater Chennai Police,
128, G.N.T. Road,
Madhavaram, Chennai 600 110.
3. The Inspector of Police,
M4, Police Station,
GNT Road, Redhills,
Chennai - 600 052.
4. M/s. Transocean Express Logistics Pvt Ltd.,
Reg. Office at: No.501 - 504, A Wing, Bonanza, Sahar Plaza,
Andheri Kurla Road, Andheri (East), Mumbai 400 059,
Maharashtra.

Also at:

M/s. Transocean Express Logistics Pvt Ltd.

A-644, Logix Technova, Plot No.A-4,

Sector 132, Noida - 201 301.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents 1 to 3 to provide police protection thus enabling the court appointed receiver Mr.D.Vinod to execute the Orders dated 30.3.2016 and 14.12.2016 passed by the Hon'ble District Judge - 1, and Judge, Commercial Court, Pune.

For Petitioner : Mr.P.J.Rishikesh
For RR 1 to 3 : Mr.C.Emalias,
Additional Public Prosecutor
For 4th Respondent : No Appearance

ORDER

The present criminal original petition has been filed seeking a direction to the respondents 1 to 3 to provide police protection so as to enable the court appointed receiver Mr.D.Vinod to execute the orders dated 30.3.2016 and 14.12.2016 passed by the learned District Judge - 1, and Judge, Commercial Court, Pune.

2. The case of the petitioner is that the petitioner is a company incorporated under the Companies Act, 1956 and is carrying on the business of manufacturing, importing, sale of automobile tyres, tubes, flaps and other accessories. While so, by an agreement dated 10.01.2014, the 4th respondent was appointed to act as a clearing and Forwarding Agent in Chennai for receiving, warehousing, safe storage and dispatch of the petitioner's products to its dealers and representatives on the terms and conditions more particularly described in the said C&F Agreement. However, due to certain disputes, the said C & F Agreement was terminated. In view of the same, the petitioner filed an appeal in CMA.No.48 of 2015, under Section 9 of the Arbitration and Conciliation Act, 1996 before the learned District Judge, Pune at Khed for appointing one D.Vinod, District Sales Manager -Chennai, of the petitioner company as a "RECEIVER" with a direction to take possession of the entire stock of the products which was lying in the warehouse of the 4th Respondent. After hearing both parties, the learned District Judge by order dated 30.03.2016, has allowed the above said application and appointed the said D.Vinod, as "RECEIVER" with certain directions. The petitioner filed another CMA No.1061 of 2016 seeking Police protection to the said D.Vinod. The said application was ordered on 14.12.2016 by directing the respondent police to provide protection to the Receiver, for effective compliance of the order dated 30.3.2016 passed in CMA. No.48 of 2015. Thereafter, the petitioner made a representation dated 02.02.2017 to the respondents seeking police protection. Since no action has been taken, on the said consideration, the petitioner has filed the present Criminal Original Petition.

3. The learned Additional Public Prosecutor appearing for the respondents 1 to 3, has no objection in directing the respondent police to consider the representation of the petitioner.

4. Despite the service of notice and the name of the 4th respondent having been printed in the cause list, there is no representation for the 4th respondent.

5. Considering the facts and circumstances of the case and taking note of the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 2.2.2017 with regard to provide adequate police protection for executing the orders dated 30.03.2016 and 14.12.2016 passed by the learned District Judge-1, and Judge, Commercial Court, Pune in CMA.No.48 of 2015 and pass appropriate orders, on merits and as per law.

With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jv/av

To

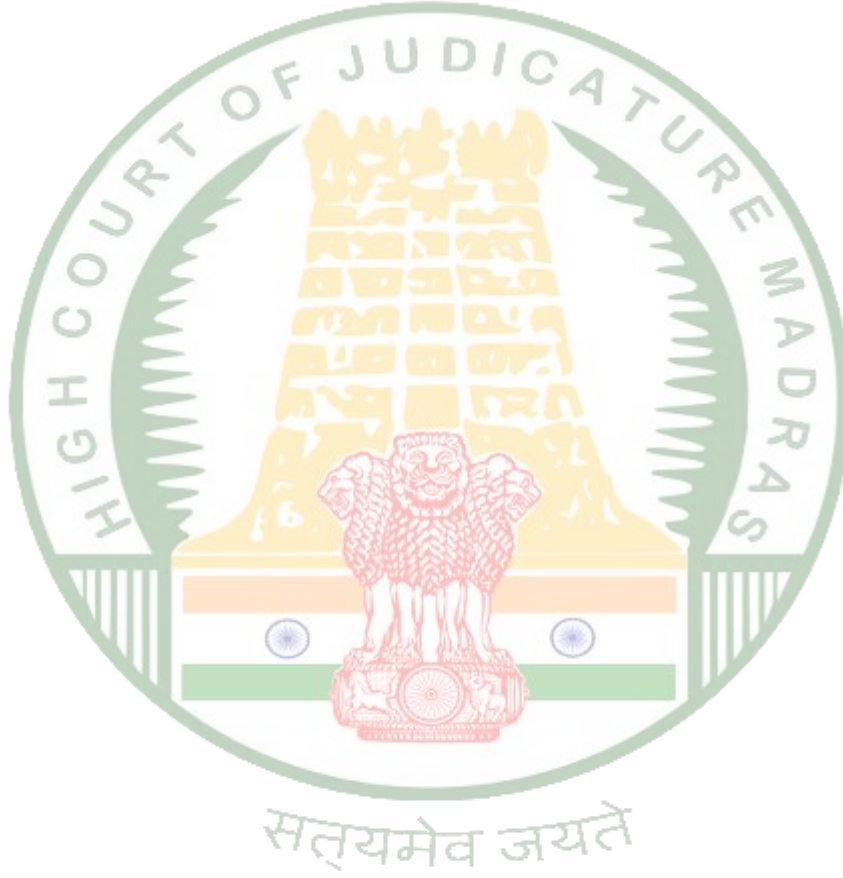
1. The District Judge - 1, and Judge,
Commercial Court, Pune.
2. The Assistant Commissioner of Police,
Madhavaram District, Greater Chennai Police,
128, G.N.T.Road,
Madhavaram, Chennai 600 110.
3. The Deputy Commissioner of Police,
Madhavaram District, Greater Chennai Police,
128, G.N.T. Road,
Madhavaram, Chennai 600 110.
4. The Inspector of Police,
M4, Police Station,
GNT Road, Redhills,
Chennai - 600 052.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.J.Rishikesh, Advocate, S.R.No.44433

CrI.O.P. No.5360 of 2017

GP (CO)
CA(28/06/2017)



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