

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
Crl.O.P.No.20442 of 2018

P.Gopalakrishnan

... Petitioner

Vs

The State by

1. The Superintendent of Police,
Villupuram District,
Villupuram.
2. The Inspector of Police,
Chinna Salem Police Station,
Chinna Salem,
Villupuram District. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to issue suitable directions to the respondents police to give adequate police protection to the petitioner and bank officials for taking delivery of the Groundnut Kernels from the Godown Nos.4 and 5 situated at Chinna Salem, Villupuram District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.C.Raghavan,
Government Advocate

O R D E R

This petition has been filed to direct the respondents police to give adequate police protection to the petitioner and bank officials for taking delivery of the Groundnut Kernels from Godown Nos.4 and 5 situated at Chinna Salem, Villupuram District.

2. It is the case of the petitioner that one Mookan and Kaliamoorthy obtained Commodity line of Credit (Stock) Loan on 31.12.2016 from Axis Bank Ltd., Attur Branch against 2050 bags of groundnut. The bags of groundnut were kept stored in the godown of one Periasamy at No.5, Salem Main Road, Chinnasalem. Since Mookan and Kaliamoorthy failed to discharge their liability, the groundnut bags were brought to sale in public auction and they were purchased by the petitioner herein. When the petitioner attempted to take possession of the groundnut bags, the said Periasamy prevented him from removing the

bags and therefore, the petitioner gave an online complaint to the police dated 18.08.2018 and thereafter, he filed the present petition with the above prayer.

3. Today, Mr. J.Anandan, Head Constable 571, Chinnasalem Police Station, Villupuram District, is present. On instructions, learned Additional Public Prosecutor submitted that the petitioner is the successful bidder in the auction and when he went to take possession of the goods, he was prevented by Mookan, Kaliamoorthy and Periasamy. It is seen that the Manager, Axis Bank, Attur Branch, has sent a communication dated 16.08.2018 to the Inspector of Police, Chinnasalem Police Station, Villupuram District, in which, it is stated that the groundnut bags were sold in auction and the petitioner was the successful bidder, despite which, neither the Bank nor the petitioner is able to take the stock possession from the godown of Periasamy, as they have employed Goondas, to work threatening the officials.

4. In such a view of the matter, this Court directs the respondents police to give sufficient police protection to the petitioner to take physical possession of groundnut bags from the godown of Periasamy and if there is any obstruction by anyone, the police shall take appropriate action against them, in accordance with law.

5. With the above direction, this petition is allowed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mkn

Note : Registry is directed to issue a copy of this order by 27.08.2018.

To

1. The Superintendent of Police,
Villupuram District, Villupuram.
2. The Inspector of Police,
Chinna Salem Police Station,
Chinna Salem, Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

+3 CC TO MR.C.PRAKASAM Advocate SR.NO. 57608

CrI.O.P.No.20442 of 2018

NM(CO)

ASK(27/08/2018)