

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.11536 of 2018

Ultra Tech Cements Limited
represented by its Unit Head Prashanth
Arakkonam Cement Works Unit
Chitteri (PO), Arakkonam
Vellore District - 631 003 ..Petitioner

vs.

State represented by
the Inspector of Police
Arakkonam Taluk Police Station
Arakkonam Circle, Vellore 631 001 ..Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to issue an order permitting the petitioner company to
sell the usable HFO in the company's possession and sell the
same to potential buyer pending criminal investigation in Cr.
No.434 of 2016.

For petitioner Ms. G. Janane

For respondent Mrs. Kritika Kamal P.
Govt. Adv. (CrI. Side)

ORDER

This Criminal Original Petition has been preferred seeking
to issue an order permitting the petitioner company to sell the
usable Heavy Furnace Oil (HFO) in the company's possession and
sell the same to potential buyer pending criminal investigation
in Cr. No.434 of 2016.

2 The petitioner company is into cement manufacturing
business, for which they require HFO and which they usually
purchase from Indian Oil Corporation Ltd., (IOCL) Tondiarpet
outlet. The petitioner company engaged the services of one Subba
Lakshmi Transport for transporting the HFO purchased from IOCL
to their Arakkonam plant by container lorries. While so, the
petitioner company observed shortfall in the delivery of the HFO
for over a period of time and were conducting discreet
enquiries. On 10.08.2016, the petitioner company procured

14,930 kilos of HFO from IOCL, which were transported to their plant by two container lorries. On thoroughly checking the consignment, the petitioner company found that there were only 11,490 kilos and there was a shortfall of 3,440 kilos. In this regard, on the complaint given by the petitioner company, the respondent police registered a case in Cr. No.434 of 2016 on 13.09.2016 under Sections 407 and 420 IPC against one Kumar, Proprietor of Subba Lakshmi Transport and two Managers of the said Transport company. Under such circumstances, the petitioner company is before this Court seeking the above relief.

3 Heard Ms. G. Janane, learned counsel for the petitioner company and Mrs. Kritika Kamal P., learned Government Advocate appearing for the respondent-police. Mr. D. Rabel Louis, Sub Inspector of Police, Arakkonam Taluk Police Station is present.

4 On instructions, the learned Government Advocate (Crl. Side) submitted that 11,490 kilos of the HFO has not been seized by the police under Section 102 Cr.P.C., as that is not the subject matter of crime and that the said quantity is with the petitioner company only.

5 Hence, this Court is of the view that there cannot be any difficulty for the petitioner company to deal with the HFO in their custody in any manner they want.

This Criminal Original Petition stands allowed and the petitioner company is permitted to deal with the HFO in their custody in any manner they want.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

cad
To

1 The Inspector of Police
Arakkonam Taluk Police Station Arakkonam Circle,
Vellore 631 001

2 The Public Prosecutor, Madras High Court, Chennai 600 104

+1 CC to Ms. G. Janane, Advocate sr 40791.

Crl.O.P. No.11536/2018

SP(02/07/2018)