

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Crl.R.C.No.1303 of 2018

Amit Jain

...Petitioner/1st Accused

Vs.

The State rep by its
The Inspector of Police,
Sulur Police Station,
Coimbatore District.
Crime No.341 of 2018

...Respondent/Complainant

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure against the order dated 22.10.2018 made in C.M.P.No.3217 of 2018 by the learned Judicial Magistrate, Sulur, Coimbatore.

For Petitioner : Ms.Thomas T Jacob

For Respondent : Mr.G.Harihara Arun Soma Sankar
Govt. Advocate (Crl.Side)

ORDER

The criminal revision case is filed against the order passed by the learned Judicial Magistrate, Sulur, Coimbatore, in C.M.P.No.3217 of 2018 in Crime No.341 of 2018 dated 22.10.2048. The learned Magistrate has dismissed the petition filed by the petitioner under Section 451 of Cr.P.C. seeking return of the articles mentioned in the petition.

2 According to the petitioner, that on the basis of the complaint by defacto complainant on 28.04.2014, a case was registered against him in Cr.No.341 of 2018 for the offences punishable under Sections 7 and 20(1) of the Cigarette and other Tobacco Products Act, 2003, and also under Section 273, 328 and 120(b) of IPC.

3 The case of the prosecution was that on 27.04.2018 they have inspected the factory of the petitioner herein at Sulur and during the inspection, they found that the petitioner indulging in manufacture of tobacco, which was banned substance.

During the raid conducted, the police had seized several manufacturing items from the factory as enumerated in the petition filed by the petitioner under Section 451 of Cr.P.C., before the Court below. The learned Magistrate heard both the case of the petitioner as well as the prosecution and ultimately dismissed the petition stating that the case was under investigation by the police. Moreover the prosecution had raised a strong objection for return of the properties, since the same was necessary for conducting of the trial and also if the properties are returned, the petitioner may involve in similar offence.

4 Considering the submissions and the objections raised on behalf of both the petitioner as well as the prosecution, the learned Magistrate thought fit not to entertain the petition and hence the same was dismissed. When the case was under investigation and when there was a serious objection raised on behalf of the prosecution that the petitioner may indulge in similar offence and also the fact that the properties were required for conducting the trial, the learned Magistrate has considered such petition and denied the relief to the petitioner. This court does not find any infirmity in rejecting the petition filed by the petitioner under Section 451 of Cr.P.C. The present revision is therefore devoid of merit and hence the same is dismissed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate, Sulur, Coimbatore.
2. The Inspector of Police, Sulur Police Station,
Coimbatore District
- 3.The Additional Public Prosecutor, High Court of Madras.

+1cc to Mr.Thomas T.Jacob, Advocate SR.No.83509

Cr1.R.C.No.1303 of 2018

RJI (CO)
GMY (19/12/2018)