

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.15209 of 2019

National Collateral Management Services Limited.,
Rep by its Area Executive /Authorised Signatory
Thirupathi Srinivasan,
S/o.Arumugam,
No.213/1P, Thiru.Vi.Ka Street,
Manappakkam Main Road,
Kerugampakkam,
Chennai 600 122

.... Petitioner

Vs

- 1.The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
2. The Inspector of Police,
Arni Town Police Station,
Arni, Thiruvannamalai District.
3. The Branch Manager,
Karur Vysya Bank,
Arni Branch,
Arni, Thiruvannamalai District.

4. Ms.Chitra Devi

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to issue directions to the respondents 1 & 2 to give adequate police protection to the petitioner company for taking delivery of the goods from, the Bhuvaneshwari Godown Nos.3,4 & 5 which are situated inside the K.N.C Modern Rice Mill, Arni, Thiruvannamalai District on the basis of the complaint made by the petitioner company on 28.03.2019 and 30.05.2019.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents 1 & 2 to give adequate police protection to the petitioner company for taking delivery of the goods from Bhuvaneshwari Godown Nos.3,4 & 5 which are situated inside the K.N.C Modern Rice Mill, Arni, Thiruvannamalai District on the basis of the complaint made by the petitioner company on 28.03.2019 and 30.05.2019 .

2. It is the case of the petitioner company that one Kamal and Chitra Devi obtained Commodity line of Credit (Stock) Loan from Karur Vysya Bank Ltd., Arni Branch against 1650 bags of paddy each 75 Kg in godown No.3, 550 rice bags each 75 Kg in godown No.4 and 1250 rice bags each 25 Kg in godown No.4 and 1250 rice bags each 25 Kgs in godown No.5 from the 3rd respondent bank through the petitioner company. The bags of paddy were kept stored in the KNC Modern Rice Mill in Bhuvaneshwari Godown 3, 4 & 5 of one Kamal. Since Kamal and Chitra Devi failed to discharge their liability, the paddy bags were brought to sale in public auction and in the said auction, 450 bags were purchased by one Vignesh. When the petitioner company attempted to take possession of the paddy bags in order to hand over to the successful bidder, the said Kamal and Chitra Devi prevented him from removing the bags and therefore, the petitioner gave a complaint to the police dated 28.03.2019 and 30.05.2019 and thereafter, the petitioner filed the present petition with the above prayer.

3. The learned Additional Public Prosecutor submitted that one Vignesh is the successful bidder in the auction and when the petitioner company went to take possession of the goods, it was prevented by Kamal and Chitra Devi. It is seen that the petitioner company, has sent a communication dated 28.03.2019 and 30.05.2019 to the Inspector of Police, Arni Branch, Arni, in which, it is stated that the paddy bags were sold in auction and one Mr.Vignesh was the

successful bidder, despite which, neither the Bank nor the petitioner company is able to take the stock possession from the godown of Kamal, as they have employed Goondas, to work threatening the officials.

4. In such a view of the matter, this Court directs the respondents 1 and 2 to give sufficient police protection to the petitioner company to take physical possession of paddy bags from the Bhuvaneshwari godown Nos.3, 4 & 5 of Kamal 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

//True copy//

Sub Assistant Registrar

rka/msrm

To

- 1.The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
2. The Inspector of Police,
Arni Town Police Station,
Arni, Thiruvannamalai District.
3. The Branch Manager,
Karur Vysya Bank,
Arni Branch,
Arni, Thiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate SR.No.49727

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CP (CO)
GMY (09/07/2019)

सत्यमेव जयते

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