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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2019

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.Nos.34480 and 34687 of 2019
and
Crl.M.P.No.19251 of 2019

Simpsons & Co. Ltd.,
861, Anna Salai,
Chennai-600 002.
Represented by S.Ramani,
General Manager
(Legal and Indirect Taxation).
.. Petitioner in Crl.O.P.No.34480/2019

CAFOMA Auto Parts Pvt Ltd.,
Plot No.13A, Sipcot Industrial Complex,
Ranipet-632 403,
Vellore District.
Rep by its Managing Director Palaniappan
.. Petitioner in Crl.O.P.No.34687/2019

Vs

The Inspector of Police, Law and Order,
SIPCOT Police Station,
Ranipet-632 403. ... 1st respondent in both Crl.O.Ps.

The Management of CAFOMA
Auto Parts Pvt Ltd.,
Plot No.13A, Sipcot Industrial Complex,
Ranipet-632 403,
Vellore District. ... 2nd respondent in
Crl.O.P.No.34480/2019

The Workmen of CAFOMA
represented by Mr.Sudarshan
residing at Karaikut Road,
Ranipet-632 401. ... 3rd Respondent in both Crl.O.Ps.



Simpsons & Co. Ltd.,
861, Anna Salai,
Chennai-600 002.
Represented by its
General Manager
(Legal and Indirect Taxation)

... 2nd respondent in Crl.O.P.No.34687/2019

Prayer in Crl.O.P.No.34480/2019: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent police to give police protection to the 2nd respondent so as to enable the petitioner to remove these articles from the premises of the 2nd respondent situated at Plot No.13A, Sipcot Industrial Complex, Vellore.

Prayer in Crl.O.P.No.34687/2019: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent police to provide such full and adequate protection as may be required to the petitioner to enable the petitioner to remove the Schedule Mentioned Goods lying at its Factory at Plot No.13A, SIPCOT Industrial Complex, Ranipet-632 403, Vellore District, India.

In Crl.O.P.No.34480 of 2019:

For Petitioner :Mr.Krishna Srinivasan
for M/s.S.Ramasubramaniam and
Associates

For Respondents :Mr.T.Shanmugarajeswaran,
Government Advocate [R1] & R3

Mr.R.Jayaprakash [R2]

In Crl.O.P.No.34687 of 2019:

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.T.Shanmugarajeswaran,
Government Advocate [R1] & R3

Mr.Krishna Srinivasan
for M/s.S.Ramasubramaniam and
Associates [R2]

C O M M O N O R D E R

Heard the learned counsel appearing for the petitioners in both Crl.O.Ps and the learned Government Advocate appearing for the respondent police.



2. M/s.CAFOMA Auto parts Private Limited is a company engaged in the business of manufacture of crankshafts and metal works such as casting, forging and machining and they have done machining job work for Simpsons and Company Limited.

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3. Learned counsel appearing for the Simpsons and Company Limited produced a copy of the invoice which indicates that the value of the job work is Rs.26,18,240.86. The Job work appears to be substantially completed and now Simpsons and Company Limited wants those parts back for the purpose of mounting them on the tractors, as they have to meet out certain urgent export obligations, but then, there appears to have arisen some industrial dispute between the Management of CAFOMA Auto Parts Pvt Ltd and its workers and the same is pending. The workers of CAFOMA Auto Parts Pvt Ltd are preventing the removal of the goods belonging to Simpsons and Company Limited. That's why, these Original petitions have been filed for providing police protection.

4. Leaned counsel appearing for Simpsons and Company Limited states that a sum of Rs.26,18,240/- can be directed to be deposited in some account, and the disbursal of the same can be made based on any order that may be passed in any miscellaneous petition filed either at the instance of the Management or the interested workmen. Learned Counsel appearing for the CAFOMA Auto Parts Pvt Ltd has no objection for this course of action.

5. This in my view will meet the interest of all the parties concerned. It is relevant to mention here that the workmen/ union of CAFOMA/3rd respondent have declined to receive the private notice ordered by this Court in Crl.O.P.No.34480 of 2019.

6. Therefore both the Original Petitions are allowed and the 1st respondent/Inspector of Police, Law and Order, SIPCOT Police Station, Ranipet is directed to render police protection for the removal of the petition mentioned articles lying in the campus of CAFOMA Auto Parts Pvt Limited and which were given by Simpson and Company Limited for job work. The list of articles is set out in Crl.O.P.No.34480 of 2019 in para 12.

7. Learned counsel for the petitioner is directed to furnish a Demand Draft for the sum of Rs.26,18,241/- (Rupees twenty six lakhs eighteen thousand and two hundred and forty one only) drawn in favour of the Registrar General, High Court Madras, who shall invest the said amount in an interest bearing account. It is open to the Management/Workmen of CAFOMA concerned to file a miscellaneous petition for disbursal of the said amount in Crl.O.P.No.34480 of 2019.



8. With the above direction, these criminal original petitions are allowed. Consequently, connected CrI.M.P.No.19251 of 2019 is closed.

Sd/-
Vacation Officer

// True Copy//

Sub Assistant Registrar

msr

To

1.The Inspector of Police,
Public Law and Order,
SIPCOT Police Station,
Ranipet-632 403.

2.The Public Prosecutor,
High Court, Madras.

Copy to: The Section Officer,
Accounts Section,
High Court, Madras.

+1cc to Mr.R.Jayaprakash, Advocate, SR.No.106864.
+1cc to Mr.S.Ramasubramaniam, Advocate, SR.No.106863.

CrI.O.P.Nos.34480 and 34687 of 2019
and
CrI.M.P.No.19251 of 2019

VBA (CO)
CSR(31/12/2019)