



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 30.04.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20416 of 2018

and

Crl.M.P.(MD).Nos.9415, 10726 and 2210 of 2018

WEB COPY

M/s.NCML Finance Private Limited,
Unit No.505 to 509, 5th Floor,
Lodha Supremus Off JVLR,
Kanjurmarg (East),
Mumbai, Maharashtra 400042,
Rep. By its Nominated Attorney,
L.Devaraj

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
District Crime Branch,
Karur District.
(Crime No.1 of 2018)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the Modification Order dated 08.11.2018 made in Crl.R.C.No.26 of 2018 on the file of the Principal Sessions Judge, Karur and the order of dismissal dated 19.09.2018 made in C.M.P.No.3564 of 2018 on the file of the Judicial Magistrate No.II, Kulithalai and set aside the same.

For Petitioner	:	Mr.N.Anandakumar
For Respondent	:	Mr.K.Suyambulingabharathi Government Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to set aside the Modification Order dated 08.11.2018 made in Crl.R.C.No.26 of 2018 on the file of the Principal Sessions Judge, Karur and the order of dismissal dated 19.09.2018 made in C.M.P.No.3564 of 2018 on the file of the Judicial Magistrate No.II, Kulithalai.

2.The learned counsel for the petitioner would submit that after registration of the case the defacto complainant filed a petition before the learned Judicial Magistrate No.II, Kulithalai under Section 451 Cr.P.C., for return of the property. He would further submit that the NCML , KVB and other accused persons filed counter in this petition and a common order was passed by the learned Magistrate directing the Thasildhar, Kulithalai to sell the



property (20408 paddy bags) immediately at the market value of paddy bags or value fixed by the Tamil Nadu Civil Supplies Corporation Limited., which ever is higher and amount to be deposited into this Court and seize the property in the custody of the Court and dismissed the petition. Aggrieved by the said order, the defacto complainant, NCML and KVB preferred a criminal revision petition before the Principal Sessions Court under Section 397 of Cr.P.C. The Sessions Court passed orders observing that the farmers were allowed to take paddy bags and also remaining paddy bags were taken by NCML, against which, the accused and NCML and KVB filed this Criminal Original Petition. Since pending in the Court for consent of the parties including NCML, KVB, the paddy was sold in the open market and amount was appropriated in the account of Crime No.1 of 2018 before the KVB, Kulithalai.

3.In view of the matter, nothing survives for further adjudication in this criminal original petition. Hence, this Criminal Original Petition is closed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS-)

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To

1.The Principal Sessions Judge,
Karur.

2.The Judicial Magistrate No.II,
Kulithalai.

3.The Inspector of Police,
District Crime Branch, Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P.No.20416 of 2018 and
Cr1.M.P. (MD) .Nos.9415, 10726
and 2210 of 2018
30.04.2019

ES/14.06.2019/2P/5C