

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.OP.No.33718 of 2019

M.Nanditha

...Petitioner

Vs.

The Inspector of Police, (Crime),
H8, Thiruvottriyur Police Station,
Thiruvottriyur, Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent police not to harass the petitioner and also petitioner's company employees regarding the Crime No.1176 of 2019 on the file of the respondent Police registered on 03.12.2019.

For Petitioner : Mr.S.Ganesan

For Respondent : Mr.C.Raghavan,
Government Advocate [Crl. Side]

ORDER

This Criminal Original Petition has been filed to direct the respondent Police not to harass the petitioner and petitioner's company employees with regard to Crime No.1176 of 2019, pending on the file of the respondent Police.

2.The learned counsel for the petitioner has submitted that the petitioner is dealing with the old gold jewels. On 03.12.2019, one Eswaramoorthy came to the petitioner's company for selling old gold ornaments weighing about 38.37 grams. He further submitted that the petitioner has purchased the said jewels after getting proper declaration from the said Eswaramoorthy about the ownership of the said ornaments and thereafter, he sold the said ornaments to one Rajesh Gowda on 05.12.2019. He further submitted that now the respondent Police is harassing the petitioner by saying that the petitioner has purchased the stolen goods and hence, he requests to direct the respondent not to harass the petitioner.

3.Per Contra, the learned Government Advocate [Crl. Side] has submitted that a case was registered against one

Eswaramoorthy in Crime No.1176 of 2019 for the offence under Sections 379 of IPC, as he snatched gold chain. He further submitted that during investigation, the said Eswaramoorthy was arrested and enquired with him and at the time, he voluntarily gave a confession statement stating that he sold 38.37 grams of gold chain to the petitioner's company on 03.12.2019 and only based on the said confession, the respondent insisted the petitioner to produce the said gold ornaments. Apart from that the petitioner was not subjected to any harassment.

4. Admittedly, the case was registered against one Eswaramoorthy in Crime No.1176 of 2019, on the file of the respondent under Section 379 of IPC as he had snatched the gold chain and subsequently, the said Eswaramoorthy was arrested and during interrogation, he gave a confession stating that he sold 38.37 grams of gold ornaments to the petitioner's company on 03.12.2019. As per the illustration (a) attached to Section 114 of the Indian Evidence Act, 1872, "the Court may presume that a man who is in the possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession". So, the burden is upon to the petitioner to prove that he has purchased the said gold ornaments after due verification about the ownership. Therefore, at this stage, this Court cannot interfere with the investigation. Since the petitioner himself has admitted in his petition that he purchased the gold ornaments from the accused Eswaramoorthy, he cannot take a plea that the police is harassing him. The petitioner has to cooperate for investigation. This Court does not find any merits in this petition.

5. In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police, (Crime),
H8, Thiruvottriyur Police Station,
Thiruvottriyur, Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Ganesan, Advocate SR.1909

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GMR (CO)
CB (12/02/2020)



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