



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.09.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN
W.P. (MD)No.8731 of 2020

S.Sengutuvan

... Petitioner

WEB COPY

Vs.

State Rep. by
The Special Sub-Inspector of Police,
Bhoodhalur Police Station,
Thanjavur.
(Crime No.223 of 2020)

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to release the Lorry, bearing Registration No.TN-46-D-6801 along with the materials confiscated from the petitioner as mentioned in Crime No.223 of 2020, dated 09.04.2020, on the file of the respondent.

For Petitioner	:	Mr.A.Raja Mohamed
For Respondent	:	Mr.S.Chandrasekar
		Additional Public Prosecutor

ORDER

This Writ Petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondent to release the Lorry bearing Registration No.TN-46-D-6801 along with the materials confiscated from the petitioner as mentioned in Crime No.223 of 2020, dated 09.04.2020, on the file of the respondent police.

2.The grievance of the petitioner is that, he is the Farmer by profession and is having agricultural land. When at the time the Paddies, which were raised from the petitioner's land, were transported to the Regulated Market in Eicher Lorry, bearing Registration No.TN-46-D-6801, which belongs to one Kannan, the respondent police seized the same and foisted a false case against the petitioner in Crime No.223 of 2020 under Section 420 IPC, alleging that the petitioner has illegally transported 82 bags of Paddy. In fact, for the alleged occurrence dated 17.03.2020, an F.I.R. has been registered on 09.04.2020 with the delay of 24 days. After registering the said case, even after receipt of sufficient explanation from the petitioner, the respondent is not ready to return the material objects to the petitioner, which were recovered during the time of investigation. Therefore, the petitioner is before this Court seeking direction, to direct the respondent police to return the material objects, which were recovered from him in connection with Crime No.223 of 2020.

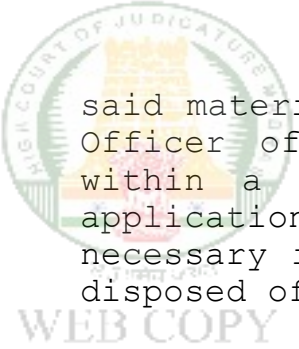


3.The learned counsel appearing for the petitioner would submit that as per the norms prescribed by the Government of Tamil Nadu, a person, who cultivated the Paddy in his land, is entitled to sell the same in the Regulated Market. In this case, on 17.03.2020 itself, the Village Administrative Officer, Bhoodhalur, gave a Certificate to the effect that the petitioner is having the land, measuring an extent of 1.65.5 Ares, in which, he raised crops. Even after producing the said Certificate before the respondent, the petitioner's request was not considered by him, in accordance with law. Therefore, it would be appropriate to issue a Writ of Mandamus, directing the respondent to release the Lorry, bearing Registration No.TN-46-D-6801 along with the materials confiscated from the petitioner, as mentioned in Crime No.223 of 2020

4.Per contra, Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that the petitioner is in the habit of purchasing the Paddy from the poor Agriculturists at a low price and after purchasing the same, he sold it in the Regulated Market at a higher price. Therefore, it cannot be said that the respondent police foisted a false case against the petitioner.

5.Upon considering the arguments advanced by the learned counsel appearing on either side, it is not in dispute that the alleged complaint has been given by the Supervisor of Tamil Nadu Civil Supplies Corporation, Thanjavur. On receipt of the same, a case has been registered against the petitioner under Section 420 IPC. Further, in connection with the said crime number, the Eicher Lorry, bearing Registration No.TN-46-D-6801 and 82 Paddy bags, weighing about 72 Kilograms each, were recovered and as of now, the same are in the custody of the respondent police.

6.In general, if any material object is recovered by the Police Officers during the time of investigation, it is their duty to produce the said material object before the concerned Jurisdictional Magistrate. But, in this case, due to an order of interim stay granted by this Court, vide order dated 29.06.2020, in CrI.M.P.(MD) No.3394 of 2020 in CrI.O.P.(MD)No.6817 of 2020, which was filed by the petitioner, the respondent police have not completed the regular procedure, which has to be adopted during the time of investigating the crime. Therefore, I am of the considered view that at present the return of vehicle as well as the Paddy bags to the petitioner, is not going to serve any purpose and hence, the respondent is directed to prepare a Mahazar, by clearly mentioning the details of the material objects, which were recovered from the petitioner during the time of investigation and produce the same along with the material objects before the concerned jurisdictional Magistrate within one week from the date of receipt of a copy of this order. Thereafter, the petitioner is at liberty to file an appropriate application before the concerned Court, for interim custody of the



said material objects. If such application is filed, the Presiding Officer of the concerned Court is directed to dispose the same within a period of one week from the date of filing of such application. Except the above said direction, no further order is necessary in the Writ Petition. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar(CS)

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Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Special Sub-Inspector of Police,
Bhoodhalur Police Station,
Thanjavur.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD)No.8731 of 2020
03.09.2020

AP(10/09/2020) 3P 3C