



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.11.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.797 of 2021

Muthusamy

.. Petitioner / Accused

Vs.

The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar District.
(Crime No.258 of 2021)

.. Respondent / Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to the impugned order passed in Crl.M.P.No.2574 of 2021 order dated 04.09.2021 on the file of the learned Judicial Magistrate Court No.2, Sivakasi and to set aside the same.

For Petitioner
For Respondent

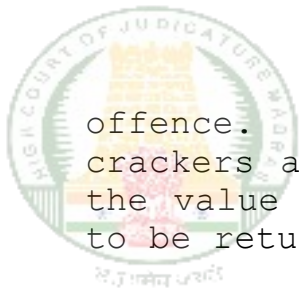
: Mr.R.Karunanidhi
: Mr.K.Sanjay Gandhi
Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.2574 of 2021 dated 04.09.2021, on the file of the learned Judicial Magistrate Court No.2, Sivakasi.

2.The case of the petitioner is that 52 boxes of crackers were seized by the respondent police and a case in Crime No.258 of 2021 was registered under Section 9(B)1(b) of Indian Explosives Act. The petitioner has filed a petition for return of property in Crl.M.P.No.2574 of 2021 before the learned Judicial Magistrate No.II, Sivakasi and that petition was dismissed by the trial Court. Against which, the petitioner has preferred this revision case.

3.On the side of the petitioner, it is stated that the petitioner purchased the crackers for his own use and for gifting to his friends. The petitioner has not committed any



offence. The crackers are not explosives substance. If the crackers are kept in open space in the custody of the respondent, the value of the crackers will become low and prayed the crackers to be returned to the petitioner for safe custody.

4.On the side of the respondent, it is stated that the petitioner was not having licence for manufacturing and for keeping crackers in storage. The crackers were kept in godown, which was not permitted to store the crackers. The storage of the crackers is endangering to human life. The petitioner is having six previous cases. If the crackers are returned to the petitioner, there is possibility for keeping them again in the godown, which is not having permit. There is chance for fire accident and prayed the petition to be dismissed.

5.It is seen that the petitioner has not produced any document to prove that he is having storage facilities for keeping the crackers. The crackers can be stored only in licenced godown. Even if the crackers are returned to the petitioner, the petitioner can not alienate or make any alteration. Hence, returning the crackers to the petitioner will be of no use to him. It may endanger the human life. There is possibility of fire accident. In the above circumstances, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

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 Judicial Magistrate No.2,
Sivakasi.

2.The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,

Virudhunagar District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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TSK(CO)
SB(06.12.2021) 3P 4C