



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.509 of 2022

Amazon Transportation Services Pvt. Ltd.,
Represented by its Authorised Signatory
G.V.Srinivasan

... Petitioner

Versus

State
Represented the Inspector of Police,
Kaveripatannam Police Station,
Krishnagiri.
(Crime No.44 of 2019)

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 Cr.P.C, to set aside the order, dated 08.10.2021 in Crl.Misc.No.3615 of 2021 passed by the Judicial Magistrate Court No.I, Krishnagiri and direct the respondent Police to release/return back the goods/properties belonging to the petitioner company.

For Petitioner : Mr.P.J.Rishikesh

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

O R D E R

The petitioner company has filed this Revision Case, aggrieved by the order of the learned Judicial Magistrate No.I, Krishnagiri, dated 08.10.2021 in Crl.M.P.No.3615 of 2021 in and by which the prayer, for interim custody of the goods of the petitioner company retrieved during the investigation of the case, is rejected. The ground on which the learned Magistrate rejected the prayer is that the authorisation of the company is given to one Rakesh Mohan Bakshi and the application has been filed by one Naveen Kumar and therefore, the person who has filed the application does not seem to have lawful authority to receive the goods.

2. The learned Counsel for the petitioner, drawing this Court's attention to the certified copy of the resolution passed



by the Board of Directors, would submit that the resolution itself has clearly stated that the said Rakesh Mohan Bakshi, Director Legal is also authorised to further delegate the above mentioned power for proper conduct of the functions of the company. He would further submit that the said Director is stationed at Delhi and therefore, considering the practical difficulties, in exercise of his power, he has further delegated the power and authorised Naveen Kumar, who is the Local Team Lead and acquainted with the affairs in this case.

3. The learned Government Advocate (Crl. Side) would submit that it is for the petitioner company to have properly filed and satisfied the learned Magistrate about the authority to file application and therefore, when there was doubt as to the authority of the person filing the application, the Trial Court has rightly rejected the prayer.

4. I have considered the rival submissions made on either side and perused the material records of the case. A perusal of the resolution passed by the petitioner company, it would be clear that the said Rakesh Mohan Bakshi, Director Legal has been authorised to further delegate the powers granted to him and in exercise of the said powers, he has further delegated the authority to file application and receive the interim custody of the case. Therefore, I am of the view that the order of the learned Judicial Magistrate is unsustainable and that the petitioner company is entitled for the prayer made in the application. Therefore, this Criminal Revision Case is ordered on the following terms:-

(i) the order of the learned Judicial Magistrate No.I, Krishnagiri, dated 08.10.2021 in Crl.M.P.No.3615 of 2021 is set aside;

(ii) the petitioner is entitled to interim custody of the goods and at the time of hand over, necessary pictures and list of the goods handed over is to be made out and such steps may be taken which may be necessary for further conduct of trial and the petitioner shall co-operate with the same.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

grs



To

1. The Judicial Magistrate Court No.I, Krishnagiri.

2. The Inspector of Police,
Kaveripatannam Police Station,
Krishnagiri.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.P.J.Rishikesh, Advocate, S.R.No.36151

Cr1.R.C.No.509 of 2022

AJS (CO)
CT/28/06/2022