



Crl.R.C.No.1519 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1519 of 2022

Balaguru

.... Petitioner

Vs.

The State by
The Inspector of Police
Valangaiman Police Station
Tiruvarur District
Crime No.529 of 2022

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, praying to call for the entire records connected with the order made in CMP No.676 of 2022 (in crime No.529 of 2022 on the file of the Valangaiman Police Station, Tiruvarur District) dated 09.11.2022, passed by the learned District Munsif-cum-Judicial Magistrate, Valangaiman and set aside the same and consequently, direct the respondent to return the petitioner's property viz., Fire Crackers mentioned in the schedule to the above said petition in CMP No.676 of 2022 to the petitioner.

For Petitioner : Mr.R.Subramanian

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



Crl.R.C.No.1519 of 2022

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ORDER

This Criminal Revision Case has been filed seeking to set aside the order in CMP No.676 of 2022 dated 09.11.2022 passed by the learned District Munsif-cum-Judicial Magistrate, Valangaiman and direct the respondent police to return the petitioner's property viz., Fire Crackers mentioned in the schedule to the above said petition in CMP No.676 of 2022 to the petitioner.

2. The respondent police registered a case against the petitioner in Crime No. 529 of 2022 for the offence under Section 286 IPC and Section 5 of Explosive Substances Act, 1908 alleging that the petitioner who is running a retail shop of selling Crackers, was found in possession of Crackers more than the licensed quantity and seized the crackers. During the pendency of the investigation, the petitioner filed a petition under Section 451 Cr.P.C., in CMP No.676 of 2022 before the learned District Munsif-cum-Judicial Magistrate, Valangaiman seeking return of property viz., Fire Crackers. The same was dismissed by order



Crl.R.C.No.1519 of 2022

dated 09.11.2022. Challenging the said order, the petitioner has filed the present revision before this Court.

3. The learned counsel for the petitioner would submit that the petitioner is a licensee to sell the Fire Crackers and Sparklers in retail. He would submit that the petitioner has been strictly adhering to the terms and conditions stipulated in the license till date and the petitioner has been doing this business for several years. He would submit that the old unsold Fire Crackers were kept along with the newly purchased Fire Crackers in the shop of the petitioner and the respondent police seized the crackers from the shop of the petitioner alleging that the petitioner had stored Crackers more than the licensed quantity. He would submit that for earning his livelihood, the petitioner had purchased the Fire Crackers as per law whereas, the trial Court erroneously dismissed the petition filed by the petitioner seeking return of property stating whether the seized items are ordinary Fire Crackers or explosive substances that can be determined only on the conclusion of trial. Hence, he would pray



Crl.R.C.No.1519 of 2022

that the order of the Court below has to be set aside the seized crackers may be returned to the petitioner.

4. The learned Additional Public Prosecutor submitted that on 30.09.2022, when the respondent police inspected the shop of the petitioner, there were Fire Crackers and Sparklers over and above the permissible quantity and therefore, they seized the same and kept safely.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and perused the materials on record.

6. A perusal of the record shows that the petitioner was found in possession of Fire Crackers over and above the licensed quantity. The petitioner is at liberty to take back the goods provided if he deposits the cost of the goods.



Crl.R.C.No.1519 of 2022

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7. As per the valuation report filed by the competent authority, the value of the seized Crackers are assessed as Rs.92,980/-. Therefore, the petitioner is permitted to take all the seized goods by **depositing a sum of Rs.92,980/- (Rupees Ninety Two Thousand Nine Hundred and Eighty Only) to the relevant account of Government of Tamil Nadu on or before 10.12.2022.** On such deposit, the respondent police is directed to return the seized Crackers to the petitioner.

8. With the above directions, this Criminal Revision Case is disposed of.

02.12.2022

ksa-2

Note: Issue Order Copy on 05.12.2022.



Crl.R.C.No.1519 of 2022

P.VELMURUGAN, J.

ksa-2

To

1. The District Munsif-cum-Judicial Magistrate,
Valangaiman
2. The Inspector of Police
Valangaiman Police Station
Tiruvarur District
3. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.1519 of 2022

02.12.2022