



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.437 of 2020

WEB COPY

M.Nagalakshmi

... Petitioner/ 3rd Party

Vs.

1.P.Meenatchisundaram

2. K.Karuppaiah

3. G.Seenivasan

4. The State represented by

The Sub Inspector of Police,

Sulaikarai Police Station,

Virudhunagar District.

(Crime No.190/2020)

... Respondents/ Complainant

Prayer : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned Judicial Magistrate Court No.II, Virudhunagar, pertaining to Cr.M.P.No.3836 of 2020, dated 14.07.2020 and to set aside the same and further to direct the learned Judicial Magistrate Court No.II, Virudhunagar to grant interim custody of 10800 White Wick to the petitioner.

For Petitioner : Mr.D.Ramesh Kumar

For Respondents : Mrs.M.Aasha

Government Advocate (Criminal Side)
for R.4

No appearance for R.1 to R.3

O R D E R

This Criminal Revision Case has been filed to set aside the order passed by the the learned Judicial Magistrate Court No.II, Virudhunagar, pertaining to Cr.M.P.No.3836 of 2020, dated 14.07.2020 and to grant interim custody of 10800 White Wick to the petitioner, thereby, dismiss the petition for return of property.

2. The case of the prosecution is that on 22.06.2020 when the respondent police was under patrolling, intercepted the alleged vehicle and found 10,800 bundles of white wick without valid license. Thereafter, a case has been registered in Crime No.190 of 2020 for the offence under Section 9(B)(1)(b) of Explosives Act, 1884. In pursuant to the said registration of FIR, the vehicle and white wick are produced before the learned Judicial Magistrate No.II, Viruthunagar, in P.R.No.107 of 2020. There are totally 3 accused, in which, the petitioner is the wife of the third accused.



Pending investigation the petitioner filed a petition for return of the said property and the same was dismissed for the reason that the investigation is pending.

3. The learned counsel for the petitioner would submit that now the investigation is completed and they file the final report and the same has been taken cognizance in S.T.C.No.627 of 2020, on the file of learned Judicial Magistrate No.2, Virudhunagar. He further submitted that the petitioner has valid license to manufacture and transport the explosives and even then the fourth respondent without considering the same, seized of the properties.

4. The learned Government Advocate (Criminal Side) submitted that after completion of investigation, file the final report thereby, charged the accused persons 1 to 3 for the offence under Section 9(B)(1)(b) of Explosives Act, 1884. The charge itself is that they have transported 10800 bundles of white wick without any valid license and permission. He further submitted that though the petitioner is not an accused in the present case, she has 10 previous cases of similar kind of offence.

5. Considering the above submission, this Court is not inclined to return the vehicle/property. However, the petitioner is at liberty to file a petition for return of property before the Court below, if so advised.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

1.The Judicial Magistrate Court No.II,
Virudhunagar.

2.The Sub Inspector of Police,
Sulaikarai Police Station,
Virudhunagar District.

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

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