



Crl.R.C(MD) No.989 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.RC (MD)No.989 of 2022

Menaka

: Petitioner

Vs.

The State rep by its,
The Inspector of Police,
District Crime Branch,
Dindigul District
Crime No.2 of 2022

: Respondent

PRAYER: The Criminal Revision case is filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records and set aside the order passed by the learned Judicial Magistrate Court No.II, Dindigul, in Crl.M.P.No.13680 of 2022 dated 05.09.2022.

For Petitioner : Mr.S.Sankar

For Respondent : Mr.SS.Madhavan
Government Advocate (Crl.Side)

ORDER

This criminal revision case has been filed to set aside the order passed



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by the learned Judicial Magistrate Court No.II, Dindigul, in Crl.M.P.No. 13680 of 2022 dated 05.09.2022.

2.The learned counsel appearing for the petitioner would submit that the petitioner is running oil business in the name and style of Sarathy Krishnan Oil Mill from the year 2017 onwards. The petitioner's brother was wrongly implicated in the case of theft of oil in the Kaleeswari Refinery Pvt. Ltd. In the aforesaid crime, the oil were seized from the petitioner's godown, worth about Rs.15,67,500/-, without any authority and without having any search warrant. He would further submit that the oil in the defacto complainant's Company is edible, whereas the oil in the petitioner's Company is petrochemical oil, which is not edible in nature and the same has been purchased by the petitioner through valid invoices. Further, the seized oil was stored in the defacto complainant's tanks and there is every possibility of changing the type of oil by the defacto complainant. Therefore, he seeks for return of seized oil to the petitioner.

3.The learned Government Advocate (Crl.side) would submit that after getting report from the Forensic Lab, this issue can be decided. Furthermore, the seized oil was kept in the oil tank of the Kaleeswari



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Refinery Private Limited and sealed in a proper manner, as per the order of the learned Magistrate and there is no question of changing the type of oil.

The Trial Court has rightly dismissed the application filed by the petitioner and this Court need not interfere with the said order. Therefore, the criminal revision may be dismissed.

4.Heard both sides and perused the materials available on record.

5.Though the petitioner seeks for return of seized oil, which is not edible in nature, this issue can be decided only based on a report from the Forensic Lab. However, the said report is yet to be received. Further, the investigation is in premature stage. Therefore, this Court is inclined to dismiss the criminal revision. However, the respondent is directed to take necessary steps to get a report from the Forensic Lab within a period of two months from the date of receipt of a copy of this order and after getting the report, the petitioner is at liberty to file a fresh petition before this Court. Accordingly, this Criminal Revision Case is dismissed.

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Index : Yes/No
Internet : Yes/No
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WEB COPY To:-

1. The Judicial Magistrate Court No.II, Dindigul.
- 2.The Inspector of Police,
District Crime Branch,
Dindigul District.
- 3.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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A.A.NAKKIRAN,J.

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