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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 02/12/2022

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.RC(MD)No.1059 of 2022

Western Carries (India) Limited,
Rep by M.Sahadevan
Authorized Signatory,
Assistant Manager,
4/347, II Street, II Floor,
Shakthi Nagar, Kattur,
Trichy.

: Petitioner

Vs.

1.The Inspector of Police,
South Police Station,
Thanjavur,
(Crime No.1033 of 2022)

2.Ashif Raja
3.Asarudeedn
4.Sadam Usain
5.Sanjay
6.Manickaraj
7.Chandran
8.Jeyaraj

: Respondents



Prayer:- This Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, against the order dated 17/10/2022 in CrI.MP No.4686 of 2022, passed by the Additional District Judge/Presiding Officer, Special Court under EC Act Cases, Thanjavur.

For Petitioner : Mr.S.Ramasundarvijayaraj
For 1st Respondent : Mr.S.Ravi
Additional Public Prosecutor
For R2 to R8 : No appearance

ORDER

The revision petitioner filed a petition before the trial court seeking return of the property namely WAX PALLETS carrying in the vehicle bearing Registration No.TN-52-F-3256 on interim custody. That was dismissed, on 17/10/2022. Challenging the same, this criminal revision has been filed.

2.The facts in brief:-

A case in Crime No.1033 of 2022 was registered *suo motu* by the 1st respondent police in respect of the occurrence that took place. On a secret information, on 24/08/2022 at about 07.30 pm near Thanjavur old Railway station residential area, the police spotted the vehicle bearing registration No.TN-52-F-3256 parked in a



suspicious manner. Another vehicle bearing No.TN-58-BW-5308 was also parked near the above said vehicle. On seeing the police party, the persons, who are available in that place tried to escape. They were apprehended. On the basis of the information furnished by them, the contraband was recovered. The vehicle bearing registration No.TN-52-F-3256, that was loaded with WAX PALLETS was produced before the concerned court.

3. Seeking return of the vehicle along with WAX PALLETS, the third party the owner of the vehicle and WAX PALLETS filed the petition seeking interim custody. That was dismissed by the Special Court. Challenging the above said, this revision has been filed.

4. Since the above said vehicle along with the above said WAX PALLETS have been recovered from the accused persons, who have been detained in Sub Jail, Papanasam, Thanjavur District, notice was ordered to them and also served through the prison authorities, but they have not chosen to appear.



5.To show the ownership of the vehicle and WAX PALLETS, the petitioner produced RC book, permit and for enjoying the vehicle for transporting WAX PALLETS by the Indian Oil Corporation, he is also produced the relevant document, which is dated 12/08/2022. This document shows that the vehicle stands in the name of one C.Ramasamy. How the above said contraband has been transported by the accused is a matter for investigation.

6.With regard to WAX PELLETS, it appears that the documents have been filed. The invoice with regard to the address of the WAX PELLETS has been produced, which is also standing in the name of the petitioner. So this document shows that the WAX PELLETS, which are available in the vehicle belongs to this petitioner's company. So, on that ground only, this revision is liable to be allowed and the petitioner is entitled to return of the property namely WAX PELLETS with certain conditions since this property is not the subject matter of the case.

7.In the result, this criminal revision is **allowed**, by setting aside the impugned order, dated 17/10/2022 passed by the trial court and the petitioner



is entitled for return of WAX PALLETS on condition that he must execute a own bound for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the satisfaction of the Additional District Judge/Presiding Officer, Special Court under EC Act Cases, Thanjavur.

02/12/2022

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Additional District Judge/
Presiding Officer,
Special Court under Essential Commodities Act,
Thanjavur.
- 2.The Inspector of Police,
South Police Station,
Thanjavur,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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