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Writ Petition No.21395 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.21395 of 2023

G.Parthiban
S/o.R.Ganesan

...Petitioner

.Vs .

1.The Commissioner of Police
Commissioner Office
Coimbatore District.

2.The Inspector of Police
Kuniyamuthur Police Station
Coimbatore District.

3.Secretary of Regulated Markets
Department of Agricultural Marketing &
Agri Business, No.1841, Tiruchy Road
Ramanathapuram, Coimbatore District.

4.Rahuraman

5.Jahir Hussain

6.Abudahir

7.Ramamurthi

8.Krishnamurthi

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to take action against 4-8 respondents and seize the materials from the 3rd respondent in connected to the Crime No.93 of 2023, pending on the file of 2nd respondent pursuant to the petitioner's representation dated 26.5.2023, within the time frame fixed by this Court.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1 and R2

ORDER

This petition has been filed for a direction to the 2nd respondent to seize the materials stocked by respondents 4 to 8 in the course of investigation in Crime No.93 of 2023, based on the representation made by the petitioner on 26.05.2023.

2.Heard Mr.R.Thirumoorthy, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2.



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3.The petitioner gave a complaint to the respondent police to the effect that he had transported maize valued at a sum of Rs.27,30,280/- and the accused persons misappropriated those goods and failed to pay the amount and as a result, an FIR registered in Crime No.93 of 2023. Respondents 4 to 6 are arrayed as A.1 to A.3 in the FIR. The petitioner requested the 2nd respondent to exercise powers u/s 102 of Cr.PC., to seize the materials that were supplied by the petitioner. Since the 2nd respondent did not act upon the request made by the petitioner, the present writ petition has been filed before this Court.

4.Taking into consideration the facts and circumstances of the case, there shall be a direction to the 2nd respondent to act upon the representation made by the petitioner on 26.05.2023, strictly in accordance with Section 102 Cr.PC., in the course of investigation in Crime No.93 of 2023. This exercise shall be completed by the 2nd respondent within a period of **four weeks** from the date of receipt of copy of this order.



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N.ANAND VENKATESH, J
KP

5.This writ petition is disposed of with the above directions. No costs.

19.07.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
KP

To

- 1.The Commissioner of Police
Commissioner Office
Coimbatore District.
- 2.The Inspector of Police
Kuniyamuthur Police Station
Coimbatore District.
- 3.Secretary of Regulated Markets
Department of Agricultural Marketing &
Agri Business
No.1841, Tiruchy Road
Ramanathapuram
Coimbatore District.
- 4 .The Public Prosecutor,
High Court, Madras.

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