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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19290 of 2023

HPL Industrial Estates Limited
Having registered office at
2A, Royal Court,
41 Venkata Narayana Road
T.Nagar, Chennai – 600 017.

Represented by its authorized signatory and
Power of Attorney Holder
Mr.Somraj Dasgupta
R/a. Parnasree Pally, Kolkatta,
West Bengal – 700 060

... Petitioner

Vs.

State Rep. by its
SHO, Puduchathiram Police Station,
Villiyanalur,
TamilNadu
(Crime No.392 of 2022)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, permit the petitioner to dispose/sell of the goods/property seized in C.P.No.72 of 2022 in connection with Crime.No.392 of 2022 i.e., iron scrap weighing about 120 tonnes on the file/in the custody of the Respondent, Puduchathiram Police Station and receive its proceeds.



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For Petitioner

: Mr.Rajkumar Jhabakh

For Respondent

: Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This petition has been filed challenging one of the condition that was imposed by the court below while allowing the petition filed by the petitioner for return of property in CMP.No.905 of 2022 dated 27.09.2022.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3.The respondent police registered an FIR in Crime No.392 of 2022 for offense under Sections 454 and 380 of IPC. In the course of investigation, the respondent police seized iron plates belonging to the petitioner Company. The petitioner is the owner of those iron plates which were stolen by the accused person.

4.The petitioner filed an application in CMP.No.905 of 2022 seeking for the return of property. The court below allowed the application by imposing certain



conditions. The petitioner is aggrieved by the following condition imposed by the court.

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The petitioner shall file an affidavit of undertaking stating that he will not change, sell, dispose of, or in any other manner encumber upon the property, and he will cause production of the same before the court as and when required. The petitioner is directed to file a original copy of letter of authority to compare with the copy already filed along with the petition.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the property in question will rust and become useless over a period of time and it has to be put to proper use by the petitioner, this court is inclined to modify the said condition as follows:

The property can be dealt with by the petitioner and the relevant documentation while dealing with the property shall be filed before the court below. That apart, the petitioner shall also give a bank guarantee for a sum of Rs.36 Lakhs instead of executing a bond with surety in view of the modification of Condition No.5.



N.ANAND VENKATESH, J

SSR

6.This Criminal Original Petition is stands disposed of with the above directions.

23.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr

To

1. SHO, Puduchathiram Police Station,
Villiyanalur,
TamilNadu
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.19290 of 2023