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Crl.R.C.No.1258 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.R.C.No.1258 of 2017

Subhiksha Retail Limited,
Rep.by its Director,
R.Subramaniam,
Flat No.2, 2nd Floor, Habib Complex,
Old Door No.3, New No.5,
Durgabhai Deshmukh Road,
Chennai - 600 028.

... Petitioner

Vs.

1. The State of Tamil Nadu rep. by
The Deputy Superintendent of Police,
Economic Offences Wing - II, Guindy,
Chennai - 600 083.

2. The Serious Fraud Investigation office,
Rajai Salai, Official Liquidator office Building,
Chennai – 1.

... Respondents

(Suo-motu impleaded as second respondent
as per order of this Court dated 05.03.2018
in Crl.R.C.No.1258 of 2017)

Prayer: The Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C. to call for the records relating to the order dated 31.05.2017 passed in Crl.M.P.No.587 of 2016 in Crime No.5 of 2013 on the file of the Court of Special Judge under TNPID Act, Chennai and set aside the same.



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For Petitioner : Mr.R.Subramanian for
Mr.S.Velu

For Respondents : Mr.R.Murthi, (for R1)
Government Advocate (Crl. Side)

Mr.S.Sabari perumal (for R2)

ORDER

This Criminal Revision has been preferred challenging the order passed by the learned Special Judge under TNPID Act, Chennai, dated 31.05.2017 passed in Crl.M.P.No.587 of 2016 in Crime No.5 of 2013.

2. The petitioner who is a third party to the proceedings in Crime No.5 of 2013, has filed a petition under Section 451 of Cr.P.C., seeking to handover the key of Flat No.2, 2nd Floor, Habib Complex, Old Door No.3, New No.5, Durgabhai Deshmukh Road, Chennai - 600 028. The said petition was dismissed on 31.05.2017. Aggrieved over the same, the petitioner has preferred this Criminal Revision.

3. The petitioner is a registered company of the Culcatta Stock Exchange and its registered office situated in Flat No.2, 2nd Floor, Habib



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Complex, Old Door No.3, New No.5, Durgabhai Deshmukh Road, Chennai

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- 600 028. A Case has been registered in Crime No.5 of 2013 by the respondent Police during October 2014 against the company by name Viswapriya India Limited and various others. In the said case, the petitioner is not an accused. One of the petitioner's Directors is set out as an accused in the said case and he has challenged the same before this Court and an order of stay has also been granted on 04.12.2013. However, during the year 2015, the respondent Police had taken away some of the records from the premises of the petitioner without any Seizure Mahazar. They had also taken away the keys of the registered office of the petitioner without issuing any acknowledgment. Since the petitioner is not aware of the connected proceedings in Crime No.5 of 2013, he has filed a petition in Crl.M.P.No.587 of 2016 before the learned Special Judge, Special Court under TNPID Act, Chennai to return the keys of the premises to him. But the said petition was dismissed. Aggrieved over the same, the present revision has been preferred.



4. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent.

5. The learned counsel for the petitioner submitted that when the petitioner is not an accused in the case, there is no necessity to take away the keys of the petitioner premises. In such circumstance, the said action on the part of the respondent is illegal. The learned Special Judge had failed to appreciate the same and had chosen to dismiss the petition. During the pendency of the proceedings, this Court ordered to furnish the status report of the pending case in Crime No.5 of 2013. In compliance of the same, the Status report has also been filed wherein it has been stated that the investigation in Crime No.5 of 2013 is almost over and the respondent has no objection to handover the key to the petitioner in Crl.M.P.No.1131 of 2019.

6. The records would show that the petitioner in Crl.M.P.No.1131 of 2010 is the owner of the premises. The respondent after taking all the



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records relevant to the case, had told no objection to return the key to the owner of the premises. Accordingly, the petition filed by the owner of the premises in Crl.M.P.No.1131 of 2019 before the Special Judge, TNPID Act was allowed and the keys were handed over to the owner of the premises therein. In view of the same, the petition as of now has become infructuous. The petitioner is at liberty to challenge the order passed by the learned Special Judge, the Special Court under TNPID Act, Chennai in Crl.M.P.No.1131 of 2019 by getting proper leave of the Court.

7. With the above observation, this Criminal Revision Petition stands disposed of.

31.01.2023

Index: Yes/No
Speaking order/Non speaking order
vum



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To

1. The Deputy Superintendent of Police,
Economic Offences Wing - II, Guindy,
Chennai - 600 083.
2. The Serious Fraud Investigation office,
Rajai Salai, Official Liquidator office Building,
Chennai – 1.
3. The Section Officer,
Criminal Section,
High Court, Madras.



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R.N.MANJULA,J.

vum

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