



Crl.O.P.No.31503 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No. 31503 of 2019

M/s. Venkateswara Hatcheries Pvt. Ltd.,
Rep. by its General Manager (Integration)
Manjesh Kumar Jadav,
Having office at
No.34/7, Ramya's Apartments,
3rd Floor, North Usman Road,
T. Nagar, Chennai – 600 017.

... Petitioner

Vs.

1.T.Rajendran

2.M.Nagajothi

3.A.Jothivel

4.N.Karthikeyan

5.J.Moideen Pichai

6.M.S.Saveetha

7.P.Thirumavalavan



Crl.O.P.No.31503 of 2019

8.T.Sujatha

9.M.A.Mohammed Hanifa

10.V.M.Mohammed Ali Jawahar

11.A.Abdul Rahim

12.M.Nasir Ahmed.

13.Karuppusamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order passed by the learned Chief Judge, Small Causes Court at Chennai in Unnumbered Sr.No.77003 of 2017 in Crl.O.P.No dated 15.02.2018.

For Petitioner : Mr.R.Vivekanandan

For Respondents : No Appearance
1 to 3, 4, 9 & 10 to 13.

For Respondents : Mr.M.Santhanaraman
5 & 6.

For Respondents : Mr.A.Arun Babu
7 & 8



Crl.O.P.No.31503 of 2019

WEB COPY

ORDER

The petition is to set aside the order passed by the learned Chief Judge, Small Causes Court at Chennai in unnumbered S.R.No.77003 of 2017 in Crl.O.P dated 15.02.2018.

2. The petitioner had filed the petition under Section 3 and 4 of the Criminal Law (Amendment) Ordinance, 1944 (Ordinance No.XXXVIII of 1944), to attach the properties mentioned in the schedule to the petition, since the respondents had committed scheduled offences under Section 408, 418, 420 read with 120(b) of IPC. The learned Chief Judge, Small Causes Court at Chennai had dismissed the said petition saying that the victim does not have any right to file an application under Section 3 and 4 of the said ordinance and hence the petition is not maintainable at the instance of the petitioner.

3. This Court finds that there is no infirmity in the order passed by the learned Chief Judge, Small Causes Court at Chennai and hence this Court is not inclined to interfere with the said order. It is clear from the provisions



Crl.O.P.No.31503 of 2019

of the Criminal Law (Amendment) Ordinance that, if the Central Government or the State Government has reason to believe that any person has committed a schedule offences and it believes that the said person has procured any property by means of said offences, it can file an application before the District Judge. The procedure for dealing with the said application is provided in Section 3 and 4 of the said ordinance. Therefore, the learned Chief Judge, Small Causes Court at Chennai is right in rejecting the application filed by the victim for attaching the property. However, it is needless to state that the Government shall take note of the properties mentioned by the petitioner and if it satisfies the requirement under Section 3 of the said ordinance, they may take appropriate action as expeditiously as possible.

4. With the above observation, the petition is dismissed. No costs.

27.04.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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Crl.O.P.No.31503 of 2019

To
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The Chief Judge,
Small Causes Court
Chennai.



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Crl.O.P.No.31503 of 2019

SUNDER MOHAN. J,

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Crl.O.P.No. 31503 of 2019

27.04.2023