



Crl.R.C.(MD).Nos.532 and 628 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD).Nos.532 and 628 of 2023

Crl.R.C(MD).No.532 of 2023

Manikandan

... Petitioner

Vs.

1. State rep. by its
The Inspector of Police,
District Crime Branch,
Tirunelveli District,
Crime No.3 / 2018

2.Mariraj

(R2 is impleaded as per Court

order dated 21.06.2023 in crl.M.P.No.8716/2023)

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records relating to the impugned order passed in Crl.M.P.No.5027 of 2022 on the file of the learned Judicial Magistrate Court No.I, Tirunelveli, dated 05.08.2022, set aside the same and consequently, direct the respondent police to handover the key of the petitioner's godown and remove the seal and allow this revision.

Crl.R.C(MD).No.628 of 2023

Gubendra Raj

... Petitioner

Vs.



Crl.R.C.(MD).Nos.532 and 628 of 2023

1. State rep. by its
The Inspector of Police,
District Crime Branch,
Tirunelveli District,
Crime No.3 / 2018

2.Suresh
(R2 is impleaded as per Court
order dated 30.06.2023 in crl.M.P.No.9442/2023) ... Respondents

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records relating to the impugned order passed in Crl.M.P.No.16715 of 2019 on the file of the learned Judicial Magistrate Court No.I, Tirunelveli, dated 27.02.2020, set aside the same and consequently, direct the respondent police to hand over the key of the petitioner's godown.

For Petitioner in
both Crl.R.C : Mr.S. Suresh Manickam
For 1st respondent : Mr. P. Kottaichamy
in both cases Government Advocate (Crl. side)

For 2nd respondent : Mr. Selva Krishnan
in Crl.R.C(MD).No.532 of 2023

For 2nd respondent : Mr. Subramanian Kishore
in Crl.R.C(MD).No.638 of 2023

ORDER

The petitioners are the owner of the godown situated at
Kalugumalai, Sankaran Kovil Road.

2. The learned counsel appearing for the petitioners
submitted that the petitioners who are the owners of the property only



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maintained 1750 numbers of paddy gunny bags alone in the godown.

Since the premises are locked and sealed they are not able to maintain the same and they are only depending on the godown for income. He further submitted that the offence only committed by the accused and the petitioners are no way connected with case.

3. The learned Additional Government Pleader appearing for the respondent Police submitted that the offence registered in Crime no.3 of 2018, on the file of the respondent police and after the investigation they have filed a final report and the C.C number also assigned. In the said situation, the learned counsel appearing for the petitioner submitted that there is no purpose to keep the premises without utilizing the same.

4. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the records available on record.

5. I have perused the final report produced by the learned Additional Public Prosecutor and the rental agreement rendered between the petitioner and the tenant. Admittedly, these petitioners are not an



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accused and there is no allegation in the petition that they have also conspired with the other accused to commit the offence in the said First Information Report. The further allegation is that the accused after storing the husky bags obtained the loan and cheated the Bank. Hence, the competent authority viz., complainant filed criminal case before the jurisdiction police and in the said circumstances, the petitioners have filed petitioner under Sections 451 Cr.P.C., before the Court below.

6. Hence, this court is inclined to allow these revisions and accordingly, allowed with the following conditions:

i) the 1st respondent police is directed to take photograph of the entire spot and also take husky bags.

ii) On completion of such process, the respondent police is directed to hand over the possession of the petitioners.

iii) The petitioners are directed not to alienate the properties till the disposal of the criminal case.

17.07.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

trp



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To
WEB COPY

1. The learned Judicial Magistrate Court No.I, Tirunelveli,
2. The Inspector of Police,
District Crime Branch,
Tirunelveli District,



WEB COPY



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K.K. RAMAKRISHNAN. J.,

trp

Order made in
Crl.R.C(MD).Nos.532 and 628 of 2023

Dated : 17.07.2023