



Crl.RC.No.117 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.RC.No.117 of 2024

Naveen Kumar

... Petitioner

-Vs-

1. The Sate, Rep. By
Inspector of Police,
Sulur Police station,
Coimbatore.

2.M/s.S.S.Agency
No.133, K.G.Chavadi,
Unja Kandi Thottam,
Thirumalaiyam Palayam, Madukkarai,
Coimbatore.

3. M/s.Joydeen Traders,
No.104, Hosemin Nagar,
Saibaba Kovil Post,
Coimbatore.

4. M/s.K.P.A.Traders,
No.298-A, Cutcherry Street,
Sathy Main Road,
Gopichettipalayam,
Erode.



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5. M/s.Arukkani Trading Company,
Partners Mr.Vellingiri and Vijayalakshmi
No.15, Karai Lane,
Cutcherry Street, Gopichettipalayam,
Erode-638 452.

... Respondents

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for records relating to the order dated 01.12.2023 made in CMP.No.5371 of 2023 in Cr.No.753 of 2023 on the file of the learned Judicial Magistrate, Sulur and set aside the same and direct the respondent herein to return the property.

For petitioner : Mr.S.Senthilvel

For Respondent : Mr.A.Gopinath
Government Advocate R1
Crl. Side
No appearance RR2 & 3
Mr.K.S.Karthik Raja R4
Mr.P.Kalimuthu R5

ORDER

This revision has been filed challenging the order of the learned Judicial Magistrate, Sulur in CMP.No.5371 of 2023 in Cr.No.753 of 2023 dated 01.12.2023 whereby the learned Judicial Magistrate has refused the prayer of the petitioner to grant interim custody of the coconut copra.

2. The case of the prosecution is that he received a whatsapp call from



the second respondent and requested to supply of 16 tones of coconut copra.

Believing her words, the petitioner purchased the coconut copra and he brought 16 tones of Coconut from Thennampalayam on 20.10.2023 in a lorry. Then the accused have transferred the same to the container and agreed to pay the amount through RTGS. Believing their words, the petitioner agreed for transferring the goods to the container. To shock and surprise, the petitioner came to know that the accused have duped him and the coconut has been sold to the 5th respondent. Therefore, the petitioner made a complaint before the respondent police. Based on his complaint, the respondent police seized 6.5 tones of the coconut copra. Thereafter, the petitioner filed a before the trial Court to recover the property and the same was dismissed. Challenging the said order, the present revision has been filed.

3. The learned counsel for the petitioner submitted that the coconut copra is a perishable item. The petitioner is the owner of the goods. Hence, this court may set aside the order passed by the trial Court and direct the respondent police to release the goods in favour of the petitioner within the stipulated time as fixed by this Court.



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4. The learned Government Advocate submitted that if the goods are released, the petitioner has to maintain the proper accounts for selling the same and he has to submit the same to the first respondent.

5. Heard both sides and perused the materials available on record.

6. It is admitted that the coconut copra is a perishable item. The lorry involved in the crime has already been released to the owner of the lorry on certain conditions. A reading of the order would shows that the learned Judicial Magistrate has not given any reason justifying the rejection of delivering of coconut which is very perishable material.

7. Since the petitioner is the original owner of the coconut copra, this Court has no hesitation to order the custody of the same to the petitioner. Considering the facts and circumstances of the case, this Court sets aside the impugned order passed by the learned Judicial Magistrate and directs the first respondent to release the coconut copra to the petitioner forthwith and the



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petitioner has to maintain true and proper account for sale of the coconut copra and the records should be furnished to the first respondent. However, the 5th respondent is at liberty to work out his remedy in the manner known to law before the appropriate forum.

8. With the above observations and directions, the revision case is allowed.

03.07.2024

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

To

1. The Inspector of Police,
Sulur Police station,
Coimbatore.

2. Judicial Magistrate, Sulur

3. The Public Prosecutor,
High court of Madras.

M.DHANDAPANI,J.

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