



Crl.R.C.No.591 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.591 of 2023

M/s.Zinka Logistics Solutions Pvt. Ltd.,
Rep. by its Authorised Signatory Mr.Ashok Kumar,
Having its registered office at Vaswani Presidio,
No.84/2, 2nd Floor, Panathur Main Road,
Off Outer Ring Road, Bangalore,
Karnataka, India – 560 103. ... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District – 636 352. ... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C,
praying to call for the records of the order dated 07.01.2023 passed by
the learned Judicial Magistrate No.II, Dharmapuri in Crl.M.P.No.4814 of
2022 in Cr.No.241 of 2018 and set-aside the same.

For Petitioner : Ms.Shankari
for M/s.Nathan and Associates
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



Crl.R.C.No.591 of 2023

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ORDER

The present revision is filed by the petitioner against the order dated 07.01.2023 of the learned Judicial Magistrate No.II, Dharmapuri in Crl.M.P.No.4814 of 2022, in and by which the prayer of the petitioner seeking interim custody of the case property viz., cash amount of Rs.24,90,000/- is rejected by the learned Magistrate.

2. The petitioner is the Power of attorney agent of M/s.Zinka Logistics Solutions Pvt Ltd and one M/s.Marico Limited has taken the services offered by the petitioner company for the transport of its goods worth about Rs.39,78,581.76/- through vehicle bearing Regn.No.TN-52-W-3823 and the said vehicle caught fire on 21.10.2018 and all the goods transported in the said vehicle were destroyed in the fire, for which, a complaint has been lodged before the respondent police and a case has been registered in Crime No.241 of 2018. On investigation, it came to light that the alleged fire to the vehicle was not accidental but was a conspiracy between the owner, one Prabhu and the driver of the vehicle, who removed the goods leaving behind few boxes, being transported in



Crl.R.C.No.591 of 2023

the said vehicle before setting it on fire in order to sale the same to get illegal gain out of it. During the further investigation, respondent police has recovered Rs.24,90,000/- in cash and about 13 to 15 boxes of the said goods mentioned in the schedule of goods from the owner and driver of the vehicle. Further, the said Marico Ltd has authorized the petitioner company to take necessary steps to get the money and goods released from the court below. Therefore, he has filed a petition u/s 451 of Cr.P.C. in Crl.M.P.No.4814 of 2022 seeking return of property concerned in Crime No.241 of 2018 u/s Accidental fire @ 201, 120(B), 379, 407, 436 of IPC and 4 of TNPPDL Act. However, the said petition was dismissed by the trial court vide impugned order dated 07.01.2023 holding that the case is still in the initial stage of investigation and chargesheet has not been filed and only after the full trial of the case, it can be decided who is the proper person entitled to the case properties. Challenging the same, the present revision has been filed by the petitioner.

3. Learned counsel appearing for the petitioner submitted that though the prosecution claims that there was a rival claim by M/s.Marico Limited however, the said M/s.Marico Limited has no objection for



Crl.R.C.No.591 of 2023

releasing the case properties to the petitioner company. However, without considering the said facts, the trial court has dismissed the petition filed by the petitioner, which is wholly unsustainable. Accordingly, he prays for appropriate orders.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that, this court may set aside the impugned order and remand the matter to the trial court and the trial court may be directed to issue notice to the said M/s.Mario Limited and if the said M/s.Mario has no objection for releasing the case properties in favour of the petitioner company, the trial court may be directed to release the case properties to the petitioner.

5. In view of the above submissions, this court is inclined to dispose of the revision in the following terms :-

(i) the impugned order dated 07.01.2023 passed in Crl.M.P.No.4814 of 2022 by the learned Judicial Magistrate No.II, Dharmapuri is set aside and the matter is remanded to the trial court for fresh consideration;



CrI.R.C.No.591 of 2023

(ii) while reconsidering the same, the trial court is directed to issue notice to the petitioner as well as the said M/s.Marico Limited, including the accused persons and if the said M/s.Marico Limited has no objection for releasing the case properties, the trial court is directed to pass appropriate orders as expeditiously as possible.

6. With the above directions, the Criminal Revision Case is allowed.

02.08.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

1.The Judicial Magistrate No.II,
Dharmapuri.

2.The Inspector of Police,
Thoppur Police Station,
Dharmapuri.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.R.C.No.591 of 2023

M.DHANDAPANI, J.

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Crl.R.C.No.591 of 2023

02.08.2024