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Crl.R.C.No.1418 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1418 of 2024

Renault Nissan Automotive India Private Limited (RNAIPL),
Plot No.1, SIPCOT Industrial Park,
Oragadam, Mattur, Sriperumbudur.
Rep. by its authorized Signatory
Mr.Balasubramani

... Petitioner

Vs.

State rep. by,
Sub-Inspector of Police,
Oragadam Police Station,
Cr.No.453/2024.

... Respondent

PRAYER: Criminal Revision Case has been filed under Section 397 r/w 401 of CrI.P.C, praying to set aside the condition Nos.1,3, & 4 imposed in CrI.MP.No.4514 of 2024 by the Judicial Magistrate Sriperumbudur by its order dated 26.07.2024.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl.Side)



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ORDER

The petitioner / defacto complainant lodged a complaint to the respondent police based on which the case in crime No.453 of 2024 was registered for the offence under section 381 of IPC.

2. The case of the complaint is that the defacto complainant is working as an engineer in Renault Nissan Car Manufacturing Company situated at Oragadam and he is also in-charge of KD warehouse in the said company. On 01.04.2024 the petitioner came to know that keys of newly manufactured cars were stolen from the production line. When he checked the remote key of the car, it revealed that about 710 remote keys of the cars were missing as on 20.06.2024. Thereafter, an internal enquiry was conducted and one Padmanaban, who was employed in the quality section had committed theft. After enquiry he accepted his guilt and hence the



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complaint was registered against the Padmanaban and the remote keys were recovered from him and produce before the jurisdictional Court and the entrustment was made to the Court vide C.P. No. 242 of 2024. Since the remote keys are required for production cards and for sale of the cars, for return of property, the petitioner filed the petition in Crl.MP.No.4514 of 2024 which was allowed on 26.07.2024 subject to the following conditions:-

"(i) The petitioner shall execute a personal bond and a surety to the value of Rs.2,00,000/- to the satisfaction of this Court.

(ii) The petitioner should produce the Photographs of the case property along with Section 65B Evidence Act Certificate.

(iii) The petitioner shall produce the above property as and when required by this Court and during trial.

(iv) The petitioner shall not alter, alienate or make any encumbrance in the case property till the disposal of the case."

According to the petitioner, taking note of the nature of the property, the conditions imposed by the court below are onerous and it would amount to denial of the relief sought for by the petitioner



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3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that only the photograph of the case property was sought to be produced along with a Certificate in compliance of Section 65B of the Evidence Act was directed to be produced. However, the petitioner company is entitled to claim ownership over the case property. He Further submitted that the cars can be sold even without the case property.

4. The petitioner is the Manager in the company where 710 car keys went missing. On the basis of the complaint of the petitioner, the keys were seized and they are now in the custody of the Court. Those car keys can be identified for the purpose of adjudication of the case, if the conditions imposed by the trial court are modified.



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5. Taking note of the nature of the case property, this Court set aside the condition Nos. 1,3 & 4 of the order dated 26.07.2024 passed in Crl.M.P.No. 4514 of 2024 on the file of Judicial Magistrate, Sriperumbadur.

The petitioner is directed to take photographs of the case property and produce them along with certificate as required under section 65B of Evidence Act and produce it before the court below. Once the photographs are produced and the proceedings are drawn in the presence of the petitioner, respondent police and Court Staff, the 710 car keys shall be returned to the petitioner and the petitioner can deal with it for the purpose of sale of the cars.

6. In view of the above, this Criminal Revision Case is allowed.

29.08.2024

Index : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes/No

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M.NIRMAL KUMAR, J.

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To

1. The Judicial Magistrate,
Sriperumbudur
2. The Sub-Inspector of Police,
Oragadam Police Station,
Cr.No.453/2024.
3. The Public Prosecutor,
High Court, Madras.

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