



CrL.R.C.(MD)No.465 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.465 of 2025

Veerasekar

... Petitioner

-VS-

State of Tamil Nadu Represented By,
The Inspector of Police,
IPREC Trichy Police Station, Trichy,
(In Crime No.3 of 2025)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w. 442 of BNSS, 2023, to call for the records pertaining to the impugned order passed in CrL.M.P.No.166 of 2025 in Crime No.3 of 2025 by the learned Judicial Magistrate No.II, Pudukottai and set aside the same and pass an order to return the 1350 kg of rice bags to the petitioner seized by the respondent Police.

For Petitioner : Mr.S.Bageerathan
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (CrL.)

ORDER

This Criminal Revision Case is filed, challenging the order passed in CrL.M.P.No.166 of 2025 in Crime No.3 of 2025 by the learned Judicial Magistrate No.II, Pudukottai and to return 1,350 kg of rice bags to the



CrL.R.C.(MD)No.465 of 2025

petitioner seized by the respondent Police.

WEB COPY

Factual Matrix:-

2.On 22.01.2025, at about 12:30 p.m., the defacto complainant Sales Manager of Manchukonda Agrotech Private Limited lodged a complaint alleging that the petitioner, who trades as M.M.Agro Mills, was selling rice bearing the complainant's registered trademark and copyrighted packaging. Acting on the complaint, the respondent police registered a FIR in Crime No.3 of 2025 under Sections 51(b)(i) & 63(a), Copyright Act, 1957, and seized 1,350 bags of rice. The seized property was produced before the learned Judicial Magistrate Court No.II, Pudukottai, in R.P.No.4 of 2025. The petitioner claiming to be a bonafide purchaser filed a petition under Section 497 BNSS Act, 2023, for delivery of the rice. The learned Magistrate dismissed the same, by order dated 19.03.2025, leading to this revision.

Submissions:-

3.The learned counsel appearing for the petitioner submitted that he is a middleman who lawfully purchased the rice from suppliers (e.g., Mahendra Rice Traders), as evidenced by invoices and bank receipts. The defacto complainant's company lacks *locus standi* and Trademark No. 4109657 is registered in the name of Sri Chakravarti Manchukonda, not the company. No instrument of assignment or power of attorney



CrL.R.C.(MD)No.465 of 2025

accompanied the FIR and no *mens rea* exists. The petitioner neither manufactured nor branded the rice and the supplier invoices show other unregistered brands. The police failed to interrogate suppliers or preserve chain of custody. The entire proceeding is an abuse of process, intended to harass him. Rice being perishable, its prolonged detention in police custody causes irreparable loss.

4.The learned Government Advocate (CrI) appearing for the respondent submitted that a power of attorney in favour of the defacto complainant was produced before this Court, although not part of the FIR. The petitioner failed to disclose supplier details during investigation and admitted misuse of the mark. Return of goods may facilitate re-offence and thus, release ought to be denied.

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

Point for Consideration :-

(i)Whether the defacto complainant had authority to initiate criminal proceedings in respect of Trademark No. 4109657?

(ii)Whether the seizure complied with the mandates of Section 115(4) Trade Marks Act, 1999?

(iii)Whether the perishable nature of the property and principles of



natural justice warrant interim release of the rice to the petitioner?

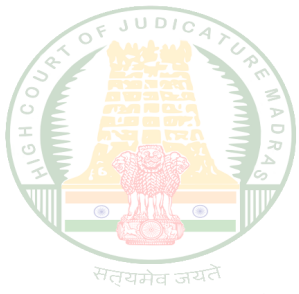
WEB COPY

Discussion:-

6.1.Authority of Complainant - The FIR record does not show any instrument vesting Manchukonda Agrotech Private Limited with rights under Trademark No.4109657, which remains registered in the name of Sri Chakravarti Manchukonda. In absence of assignment, licence or power of attorney at the time of lodging the FIR, the defacto complainant company's locus to initiate criminal prosecution is questionable.

6.2.Compliance with Section 115(4), Trade Marks Act - Section 115(4) mandates that, before seizing goods under the Trade Marks Act, the police shall obtain the opinion of the Registrar of Trade Marks. No record in the seizure proceedings evidences such mandatory consultation and non-compliance renders the seizure procedure vitiated by jurisdictional error.

6.3.Perishability and Natural Justice - It is well settled (***Sunderbhai Ambalal Desai v. State of Gujarat***) that when perishable goods are seized, courts must guard against deterioration and economic loss by ordering their interim release on safeguards. Here, the rice has remained in police custody since January 2025, risking spoilage and financial prejudice to the petitioner, who has otherwise asserted a bonafide possession.



CrL.R.C.(MD)No.465 of 2025

Conclusion & Order:-

7.In view of the foregoing, without adjudicating the ultimate merits of trademark or copyright infringement, this Court is satisfied that the impugned order dated 25.03.2025, is liable to be set aside on the grounds of defective seizure proceedings and potential prejudice to the petitioner.

8.Accordingly, this Criminal Revision Case is allowed and the order in CrI.M.P.No.166 of 2025 is set aside and 1,350 bags of rice shall be released to the petitioner in interim custody on the following conditions:-

(i)the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.II, Pudukkottai District ;

(ii)the petitioner shall remove only the rice (contents) from the seized sacks and deliver the empty bags to the trial court.

(iii)The petitioner shall produce two rice bags of each variety as sample before the learned Magistrate for ongoing investigation and trial.

(iv)the petitioner shall video-record the removal of rice from the sacks, prepare a certified CD/CD-ROM in compliance with Section 63(4)(c), BSA 2023, and furnish the same to the learned Magistrate within two days of taking interim delivery.



CrL.R.C.(MD)No.465 of 2025

Pending the trial, compliance with these terms shall satisfy the safeguards required by law. No Costs.

10.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

To

- 1.The Judicial Magistrate No.II, Pudukottai.
- 2.The Inspector of Police,
IPREC Trichy Police Station, Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrL.R.C.(MD)No.465 of 2025

L.VICTORIA GOWRI, J.

Mrn

CrL.R.C.(MD)No.465 of 2025

10.07.2025