

CrL.R.C.(MD)No.548 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.548 of 2025

Nagarajan

... Petitioner

-VS-

The State of Tamil Nadu Represented by,
The Inspector of Police,
IPREC Virudhunagar Police Station,
Virudhunagar.
(Crime No.1 of 2025)

... Respondent

PRAYER : Criminal Review Case filed under Section 438 r/w. 442 of BNSS, 2023, to call for the records made in Cr.M.P.No.262 of 2025 on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District and set aside the dismissal order dated 27.03.2025.

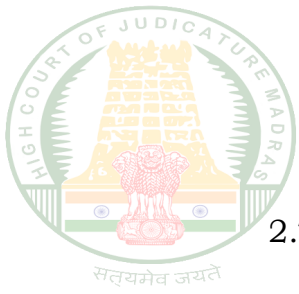
For Petitioner : Mr.S.Deenadhayalan

For Respondent : Mr.S.Ravi

Additional Public Prosecutor

ORDER

Challenging the impugned order passed by the learned Judicial Magistrate, Karaikudi, Sivagangai District, in CrL.M.P.No.262 of 2025 dated 27.03.2025, this Criminal Revision Case is filed.



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2.The case of the prosecution is that on 31.12.2024, the defacto complainant has conducted an enquiry in and around Puduvayal, Karaikudi and found that one PLV rice mills have stocked and engaged in selling of rice by misusing the defacto complainant's company trademark and copy rights and thereby committed the offence. The commodities were seized by the respondent police and registered a case in Crime No.1 of 2025 for the offence under Sections 51(b)(i) and 63(a) of Copyright Act, 1957. The petitioner herein has filed a Petition under Section 503 of BNSS, 2023, seeking return of 55 bags with 26 kgs of rice, 150 bags with 10 kgs of rice and 150 bags with 5 kgs of rice. The learned Trial Court has dismissed the petition on 27.03.2025. Against which, the petitioner has preferred this Criminal Revision Petition.

3.The learned counsel appearing for the petitioner submitted that the commodities seized is perishable in nature and he has not committed any offence under Copyright Act. Categorically contending that the name of the Commodity is Mullai Malar Nawaab, it has nothing to do with the name as claimed by the defacto complainant. Relying upon the judgment of the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai v. State of Gujarat** reported in **2003 (1) CTC 175**, he pressed for allowing the Criminal Revision Case.

4.The learned Government Advocate (CrL.) appearing for the



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respondent submitted that the case property is very essential to prove the prosecution by marking as M.O., and pressed for dismissal of the Criminal Revision Case.

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

6.Without going into the merits of the said facts, considering only the aspect with respect to return of property and also considering the fact that the commodity seized is perishable in nature, following the mandates of the Hon'ble Supreme Court in the case of **Sunderbhai Ambala Desai**, the property should not be allowed to deteriorate by being kept unused and unattended in the police godown, this Court is inclined to allow this Criminal Revision Case and the order dated 27.03.2025 passed in CrI.M.P.No.262 of 2025 by the learned Judicial Magistrate, Karaikudi, Sivagangai District, is hereby set aside and the property is ordered to be returned to the petitioner for interim custody subject to the following conditions:-

(a) the petitioner is directed to arrange a bank guarantee of Rs. 1,00,000/- (Rupees One Lakh only) in any nationalized bank and produce the said bank guarantee before the learned Trial Court ;

(b) 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



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satisfaction of the learned Judicial Magistrate, Karaikudi, Sivagangai

District ;

(c) the petitioner is directed to take only the rice and the petitioner is directed to hand over the bag covers (without rice) to the learned Trial Court.

(d) the petitioner is directed to hand over two number of rice bags in all the three kinds along with rice to the learned Trial Court for investigation and trial purpose.

(e) the petitioner shall take the clear and full videograph while taking the rice from the sack and submit the CD containing the videograph along with 65(B) to the learned Trial Court within two days from the date of receiving the rice.

18.06.2025

NCC :Yes/No

Index :Yes/No

Internet : Yes

Mrn

Note : Issue order copy on **20.06.2025**.

To

- 1.The Judicial Magistrate, Karaikudi, Sivagangai District.
- 2.The Inspector of Police,
IPREC Virudhunagar Police Station,
Virudhunagar.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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