



Crl.R.C.(MD)No.1413 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1413 of 2024

Southern Petrochemical Industries
Corporation Ltd., (SPIC),
represented through Joint Manager
V.Senthilkumar

... Petitioner

Vs.

State of Tamilnadu represented by
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.573 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records of the order passed by the learned Judicial Magistrate No.1, Thoothukudi in Crl.M.P.No.22370 of 2024 dated 26.11.2024 and modify the same and further direct the learned Judicial Magistrate No.1, Thoothukudi to deliver the 421 bags each 50 kgs approximately 21 tons of LSA to the petitioner without insisting the conditions No.i, ii & iv of the order dated 26.11.2024 passed in



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Crl.M.P.No.22370 of 2024 on the file of the Judicial Magistrate No.1,
Thoothukudi.

For Petitioner : Mr.N.Pragalathan

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in
Crl.M.P.No.22370 of 2024 dated 26.11.2024 on the file of the Judicial
Magistrate No.I, Thoothukudi, challenging the condition Nos.i, ii and iv.

2. It is evident from the records that on the basis of the complaint
lodged by the petitioner for the theft of 26 tons of Light Soda Ash (LSA),
FIR came to be registered in Crime No.573 of 2024 for the alleged
offences under Sections 331(1), 331(3) and 305 BNS, 2023 against
unknown accused.

3. It is not in dispute that the respondent police recovered 421 bags
each contains 50 kgs approximately 21 tons of LSA.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the seized property was produced before the learned Magistrate and the same came to be received and remanded in P.R.No.205 of 2024 dated 22.11.2024 on the file of the Judicial Magistrate No.I, Thoothukudi.

5. It is not in dispute that the petitioner has filed an application under Sections 497 and 503 BNSS seeking interim custody of the property seized and remanded. The learned Judicial Magistrate allowed the application by imposing certain conditions which are now under challenge. The conditions imposed by the learned Magistrate are as follows:-

“1) The Petitioner / Defacto Complainant is granted interim custody of the same on for a sum of Rs.7,80,000/- and with one sureties for a like sum.

2) The Petitioner / Defacto Complainant shall not sell or change the nature of the Property.

3) The Petitioner / Defacto Complainant shall produce photographs of the Property.

4) The Petitioner / Defacto Complainant shall file an affidavit stating that he will produce the property as



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and when required by this court.”

6. The learned counsel appearing for the petitioner would submit that the humidity or moist conditions can cause the LSA to clump and harden, causing it to lose effectiveness and eventually convert sodium carbonate to sodium bicarbonate and that the above chemical came to be purchased for using in their factory, but the learned Magistrate, without considering the same, has imposed conditions directing the petitioner not to sell or change the property and also to produce the property as and when required.

7. As rightly pointed out by the learned counsel appearing for the petitioner as well as the learned Government Advocate (Criminal Side), the learned Magistrate has not specified as whether the petitioner has to execute a surety for a sum of Rs.7,80,000/- or to deposit the amount, but only mentioned that one surety for a like sum.

8. Considering the above and also taking note of the nature of the property, this Court is of the view that the conditions imposed by the



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learned Judicial Magistrate are liable to be set aside and the matter has to be remanded back to the learned Judicial Magistrate to pass orders by imposing fresh conditions by taking note of the nature of the property.

9. In the result, this Criminal Revision Case is allowed and the impugned order dated 26.11.2024 is hereby set aside and the matter is remanded back to the learned Judicial Magistrate No.I, Thoothukudi. The learned Judicial Magistrate No.I, Thoothukudi is directed to pass order imposing conditions by taking note of the nature of the property within a period of one week from the date of receipt of a copy of this order. No costs.

06.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

Note : Issue order copy on

To

1.The Judicial Magistrate No.I,
Thoothukudi.

2.Do through the Chief Judicial Magistrate,
Thoothukudi.



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K.MURALI SHANKAR,J.

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3.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.1413 of 2024

Dated: 06.02.2025