

# Khadeeja vs Sub Inspector Of Police on 11 October, 2022

**Author: P. Velmurugan**

**Bench: P.Velmurugan**

CrI.RC.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC. No. 1367 of 2022

Khadeeja

.. Peti

Vs

Sub Inspector of Police,  
Devala P.S.,  
Cr.No. 137/2022

.. Resp

PRAYER : Criminal Revision Case filed under Section 397 with 401 of the Code of Criminal Procedure, 1973, to call for the entire records relating to the order dated 05.09.2022, made in CrI.M.P. No. 1570 of 2022 on the file of the Court of Judicial Magistrate, Pandalur, The Nilgiris District and set aside the same and consequently direct the respondent to release the consignment containing panmasala seized by the respondent.

For Petitioner	:	Mr. N. Siva Kumar
For Respondent	:	Mr. S. Sugendaran Additional Public Prosecutor

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<https://www.mhc.tn.gov.in/judis>

CrI

JUDGMENT

This Revision has been filed, challenging the dismissal order dated 05.09.2022, passed by the Judicial Magistrate, Pandalur, The Nilgiris District.

2. The respondent police registered a case against the petitioner for the offense under Sections 272, 328 IPC and Section 20 (2) of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, in C.C. No. 137 of 2022. The vehicle was also seized along with the panmasala products. During the investigation, the petitioner filed a petition before the Court below, to release the goods and the same was dismissed. Admittedly, all the panmasala seized only within the jurisdiction of the Tamil Nadu state, which is prohibited, as per the Food Safety and Standards Act, 2006.

3. On the perusal of the records, it is also seen that investigation is still pending and charge sheet not yet filed. Pending investigation, returning the seized products is purely a discretionary power of the Court. If the goods are released during investigation, there is possibility of tampering the witness. Therefore, under these circumstances, this Court is not inclined to release the <https://www.mhc.tn.gov.in/judis> goods, pending investigation. This Court also does not find any perversity in the order passed by the court below.

4. In view of the above, the Criminal Revision Case is dismissed. However, the petitioner is at liberty to file a fresh petition, after the filing the charge sheet before the Special Court. The respondent police is directed to expedite the investigation and file the charge sheet within a period of three months.

5. With the above directions, the criminal revision is dismissed.

11.10.2022 Index : Yes/No Internet : Yes/No mrn To

1. The Judicial Magistrate, Pandalur, The Nilgiris District

2. The Sub Inspector of Police, Devala P.S., <https://www.mhc.tn.gov.in/judis> P. VELMURUGAN, J.

mrn 11.10.2022 <https://www.mhc.tn.gov.in/judis>