

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46359 of 2012

Arising Out of PS.Case No. -142 Year- 2010 Thana -null District- VAISHALI(HAJIPUR)

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Sabbir Ahmad son of Istiyaq Ahmad, resident of village Bhavdehpur, P.S. Riga,
District Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-05-2015

The Petitioner seeks quashing of the order of non-discharge dated 6.10.2012 passed by the court of Smt. Noor Sultana, Judicial Magistrate, 1st class, Vaishali at Hajipur in G.R. No.3687 of 2010/ Trial No.2492 of 2011 arising out of Bhagwanpur P.S. case No.142 of 2010.

The background facts are that on 2.10.2010 one silver coloured Hundai Getz car bearing No. BR-1AE/6440 was seized by the police and on search from the dicky some cameras of Cannon and Nikon and batteries etc were found. On preliminary inquiry it was learnt that the Petitioner was the owner of the said car.

It has been submitted that fact of the matter is that the Petitioner had sold the vehicle on 7.9.2010 to one Sanjiv Kumar and the owner book was also transferred in his name. The said Sanjiv

Kumar had applied on 12.10.2010 before the D.T.O., Patna for transfer of the said vehicle. All these documents have been annexed in the present application. In fact said Sanjiv Kumar had purchased those articles legally and they were not stolen.

Since these are questions of fact, which this Court cannot consider at this stage, the matter is remanded to the Court below, who shall call for a report from the D.T.O., Patna with regard to the status of ownership of the car in question. If it is found that the Petitioner on the date of occurrence was not the owner of the vehicle but it fact it was Sanjiv who was the owner, he shall proceed against him and exonerate the Petitioner in accordance with law.

With these observations, the application stands disposed of.

(Anjana Prakash, J)

Narendra/-

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