

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (Apl) NO. 759 OF 2014.

Sanjay Dashinderlal Kumar and anr. ..vs.. The State of Mah. and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.H.V.Thakur, Adv. for the applicants.
Mr.T.A.Mirza, APP for the State.
Mr.S.M.Puranik, Adv. for respondent no.2.

CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.
DATED : JULY 1, 2015.

Question is whether by delivering the so-called Six-Seater motor vehicle to respondent no.2 was an illegal act on the part of the applicants.

Submissions of Advocate Thakur, the Chesis, Engine capacity and other technical details insofar as Six-Seater and Ten-Seater variants are concerned remain the same. He also attempts to demonstrate that for purchase of Six-Seater, a person is required to pay more. He submits that delivery of vehicle was taken by respondent no.2 before its registration by Regional Transport Office, Nagpur, however, he did not raise any dispute at that time and even at the time of registration. He used that vehicle for about one year and belatedly the dispute of this nature has been filed as criminal case. The dispute is essentially a civil dispute between consumer and the vehicle suppliers/manufacturer.

He also adds that the vehicle was delivered at Hingna by the dealer M/s Provincial Automobile Co.Pvt.Ltd.Hingna, Nagpur and offence has been complained of at Police Station Lakhani in Bhandara District.

Learned APP for respondent no.1 as also Advocate

S.M.Puranik for respondent no.2 dispute this proposition. They state that there is essential difference in Six-Seater and Ten-Seater vehicle. The configuration of both is inherently different. Mr.Puranik attempts to demonstrate that there is a metallic plate near the engine which has all the details like Chasis No., Engine No. as well as capacity of the vehicle and it reveals that respondent no.2 has a Six-Seater.

We are not inclined to go into the factual dispute at this stage. However, we grant liberty to the applicants to appear through their counsel before the competent Authority/Court to point it out, in accordance with law and to prosecute those objections.

Thus, with the said liberty, we dispose of the present application keeping all rival contentions open.

JUDGE

JUDGE

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