

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Cr1.Rev.Pet.No. 2679 of 2008 ()

AGAINST THE ORDER IN CMP 1013/2008 of J.M.F.C.-II, KANNUR
DATED 05-06-2008

REVISION PETITIONER(S)/PETITIONER::

R.T.GOVINDAN NAMBIAR, S/O.KANNAN NAMBIAR
52 YEARS, RAMATH THEKKE VEETIL, MAYYIL
VELAM P.O.MAYYIL, KANNUR DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S)/COMPLAINANTS::

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1. V.K.MUNEER, 48 YEARS, PROPRIETOR
CHENNAI AUTO CONSULTANT AND FINANCE CHALODE
V.K.HOUSE, MUTTANNUR, EDAYANNUR
KOLOLAM, KANNUR DISTRICT.
 2. V.J.CHACKO, S/O.JOSEPH, VAKKALLOOR (H)
HOUSE NO.1/241, KANIHCAR, P.O.KANICHAR
KELAKAM, THALASSERY TALUK.
 3. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SI OF POLICE, ERIKKUR POLICE STATION
KANNUR.

R3, BY PUBLIC PROSECUTOR SRI. N. SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 07-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

acd

P.D. RAJAN, J.

Crl. R.P.No.2679 of 2008

Dated this the 7th day of October, 2015

ORDER

The revision petitioner, who is the complainant in C.M.P.No.1013/2008 of Judicial First Class Magistrate-II, Kannur, challenges the dismissal order passed on 5.6.2008. The revision petitioner is the registered owner of a lorry bearing Registration No.KL 13 F 4291. He alleges that his vehicle parked near patrol bunk was missing on 9.10.1997. Subsequently, it is learnt that the 2nd accused filed an application before RTO to get the R.C. transferred in his name and the 1st accused is the agent of Dilip Finance Corporation. In the circumstances, he filed CMP No.1012/2008 before Judicial First Class Magistrate Court-

II, Kannur and it was forwarded to the Erikkur Police u/s.156(3) Cr.P.C, for investigation where they registered Crime No.102/2008 u/s.380, 457, 420 & 506 (II) IPC. The revision petitioner also filed C.M.P.No.1013/2008 for issuing a search warrant. After verifying the records and enquiry, the learned Magistrate dismissed the above C.M.P. Being aggrieved by that, he preferred this revision petition.

2. According to the revision petitioner, he is the owner of the lorry and he obtained finance to the lorry from the 1st respondent. While availing the loan, he signed blank stamp papers and the blank cheque leaves , which were entrusted to the financier. He contended that he paid the entire amount to the financier. Even after repayment, the financier failed to return the signed stamp

paper and the cheque leaves entrusted as security. Even though he contended so, no documents were produced in the trial Court to show that he discharged the entire liability with regard to the purchase of the lorry. But, the respondents contended that the accused availed loan of ₹2 lakhs from finance company, but he repaid ₹70,000/- only. Subsequently, when he failed to discharge the liability, he himself entrusted the lorry to them. Thereafter, they approached the RTO to get the R.C. transferred in the name of R2. The trial Court examined the contentions of both parties and there is no dispute regarding the hypothecation of the lorry. But, in discharge of that liability, no documents were produced in the trial Court. In the circumstances, the learned Magistrate dismissed the petition. Here, also no documents were produced by the

revision petitioner to substantiate his contentions.

Therefore, I do not find any illegality in the above order and there is no merit in this petition and it is dismissed accordingly.

P.D. RAJAN, JUDGE.

acd

