

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3142 OF 2015

ORDER:

1. The petitioner-owner of the property preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved over the order dated 05.11.2015 passed in CrI.M.P.No.2059 of 2015 in Crime No.279 of 2015 by the I Additional Chief Metropolitan Magistrate, Hyderabad.

2. Brief facts of the case are that the petitioner purchased the vehicle in question from a car dealer by obtaining loan from Syndicate Bank, S.R. Nagar and later, he got it transferred in his name. The said Car was hypothecated to Syndicate Bank. Subsequently, the above case was registered on the ground that original owner of the Car viz., A. Murthy purchased the car in question by obtaining loan from Andhra Bank. But the said loan transaction was not incorporated in the documents. The Car in question was seized from the house of the petitioner as it is involved in the above crime. Hence, the petitioner filed the impugned application for return of the vehicle in question.

3. The learned Magistrate dismissed the application on the ground that there are two loan transactions over the vehicle in question viz., one is from Andhra Bank, which is shown as respondent No.2 in the application and another is from Syndicate Bank, which is not shown as party to the application and therefore, the application is liable to be dismissed for non-impleading necessary party. Aggrieved by the said

order, the petitioner filed this revision.

4. Heard and perused the material available on record.
5. From the material on record, it is apparent that there are two loan transactions from two different banks regarding the purchase of the vehicle in question. The petitioner added as one Bank only in the impugned application. Therefore, the trial Court dismissed the application. No illegality is found in the order under revision.
6. However, considering the above facts and circumstances of the case, the Criminal Revision Case is disposed of with the following direction:

“The petitioner is directed to file a fresh application for return of the vehicle in question by adding necessary parties. On such application being filed, the learned Magistrate is directed to pass appropriate orders, irrespective of stage of the investigation, since the Magistrate has power to return the vehicle in question under Section 457 Cr.P.C. pending investigation also.”

Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 16.12.2015

Nn

THE HON'BLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-
-
-
-
-
-

-

-

CRIMINAL REVISION CASE No.3142 OF 2015

-

-

-

-

-

-

-

-

-

-

16.12.2015

Nn