

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.137 of 2015

ORDER:

1. This Criminal Revision Case is filed by the petitioner-Financier challenging the order dated 6.1.2015 passed in CrI.M.P.No.6 of 2015 in Crime No.87 of 2014 by the XXV Metropolitan Magistrate, Cyberabad.

2. Brief facts of the case are as follows:

The petitioner being a financier advanced loan to B. Sana Abdul for purchase of vehicle viz., Chevrolet Cruze VCDI AT LT car bearing No.AP 28 DG 2790. The said Abdul has deposited original RC book of the said car with the petitioner for getting endorsement from RTO authorities. The petitioner sent the Original RC book to RTO Khairatabad, Hyderabad for getting endorsement of Hypothecation. But the said RTO has not returned the said RC Book. When the petitioner approached the RTO, they have intimated that the police seized the RC book from the RTO in connection with the above said crime. The petitioner came to know that the above crime was registered on the complaint lodged by one Chirantan Chatterjee stating that he has sold the vehicle in question to Rohit Kumar of Amercan Touch Solutions, Madapur and the said Rohit Kumar had given two cheques for total amount of Rs.10,60,000/- as sale consideration for purchasing Car, but both the said cheques were dishonoured and on that, the said Chatterjee made enquiries with RTO and found that the said Car is in the name of Sana Abdul. Hence, the petitioner filed the above CrI.M.P.No.6 of 2015 under Section 451 r/w 457 Cr.P.C. for return of the original book on the ground that the petitioner financed to Sana Abdul for purchase of the vehicle in question. The learned Magistrate dismissed the application. Hence, the petitioner filed the present revision.

3. Heard and perused the material available on record.
4. From the order under revision, it is obvious that the learned Magistrate without taking into consideration all the aspects simply dismissed the application only on the ground that the investigation is pending and the petition is not maintainable at that stage. This Court is of the view that the order for return of the Original R.C. Book pertaining to a Car can be passed even prior to completion of the investigation.
5. Considering all the above facts and circumstances of the case, this Court is inclined to dispose of this Revision Case with the following directions:
- i) The petitioner is directed to file a fresh application for return of the document in question by invoking appropriate provisions.
 - ii) The petitioner is also directed to show B. Sana Abdul, Rohit Kumar and Chirantan Chatterjee, who is the complainant in the above crime, as parties in the application that would be filed for return of the document in question.
 - iii) The learned XXV Metropolitan Magistrate is directed to dispose of the application after giving opportunity to all the parties concerned.
6. With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

22nd June, 2015
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22.6.2015

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CRIMINAL PETITION No.11441 of 2014

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18.9.2014

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