

HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case Nos.478 and 648 of 2015 &
Criminal Revision Case No.107 of 2015

COMMON ORDER:

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All these three revisions arising out of a common order dated 31-12-2014 made in CrI.M.P. Nos.2976, 3103 and 3831 of 2014 on the file of the court of the III Additional Chief Metropolitan Magistrate, Hyderabad, wherein and whereby the trial Court refused to return the vehicle which admittedly stand in the name of the accused in crime No.1089 of 2014.

The brief facts of the case are as follows :

The complainant in crime No.1089 of 2014 of Banjara Hills Police Station laid a complaint against the accused - petitioner in CrI.R.C. No.107 of 2015, alleging that the accused and his associates followed the complainant, assaulted him and also snatched away the BMW car bearing No.AP 10 AY 6555. On the basis of the said complaint, a case was registered against the petitioner in CrI.R.C. No.107 of 2015, who is an accused in crime No.1089 of 2014. After registration of the said complaint, the accused surrendered before the concerned Police Station and also surrendered the car, which alleged to have been snatched away from the possession of the complainant, who the is petitioner in CrI.R.C. Nos.478 and 648 of 2015. The complainant as well as the accused filed

respective applications for return of the car in the trial court. While hearing the matter, the learned trial Judge passed an order directing the financier also to file an application to make it clear the stand of the financier, since the trial Court is of the view that as long as hypothecation is there, financier is presumed to be the owner of the car.

After hearing the arguments of all parties concerned, the learned trial Judge not inclined to return the car on the premise that the ownership of the vehicle concerned has to be decided first. This Court is of the view that to pass an order under Section 451 Cr.P.C., the exercise by the trial Court is only in connection with the possession of the vehicle and also whether the property can be given to a person for proper custody. Admittedly, in the present case, even though contrary views are argued before the Court, the trial Court has also observed, after discussing the arguments of concerned parties, that the Court is of the view *prima facie* the complainant was in possession of the vehicle concerned on the following grounds :

(1) Admittedly, the complainant was in possession, because on the basis of the complaint lodged by the complainant, the vehicle was recovered from the accused.

(2) The complainant also produced documents to show that he has obtained the signatures in the transfer form of the car concerned for transfer of R.C. and other documents after paying the entire money in connection with the transaction of purchase of the car. Further, he has also produced some bills to show that he has spent money in connection with repairing

the said car.

As far as the stand of the accused is concerned, the R.C. book stands in his name, whereas the same is disputed by the complainant stating that in view of the fact that he could not able to avail full loan from the ICICI bank, the loan was availed in the name of the accused, but the entire instalments are being paid by the complainant.

This Court also perused the records and heard the arguments.

This Court, without going into the controversy, is of the view that the ownership of the vehicle concerned is envisaged under Section 451 Cr.P.C. and the vehicle can be given to a person who can take proper custody of the vehicle and also produce the vehicle before the Court concerned whenever it is necessary. Hence, from the facts and circumstances of the case, this Court is of the view that the vehicle can be returned to the petitioner in Crl.R.C. Nos.478 and 648 of 2015 who is the complainant in crime No.1089 of 2014, on his execution of a personal bond for a sum of Rs.10,00,000/- (Rupees Ten lakhs only) and also on his filing of an affidavit informing the trial Court that the vehicle would be produced before the Court concerned as and when required for the purpose of trial and further the petitioners are directed not to alienate the property and also change the structure of the vehicle concerned.

Accordingly, the Criminal Revision Cases are disposed of. It is left open to the petitioners in all these revisions to approach the civil Court, if they so desire, to decide the

ownership of the vehicle concerned.

Consequently, pending miscellaneous applications, if any, in these revisions, shall stand closed.

RAJA ELANGO, J.

16th June, 2015

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