

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 145 of 2016**

Roshan Jaiswal S/o Rupchand Jaiswal Aged About 40 Years R/o Village
Dhaniya, Police Station Seepat, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

State of Chhattisgarh Through The Station House Officer, Police Station
Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	: Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	: Mr. L.K. Sharma, PL

Order On Board**11/04/2016**

1. Heard learned counsel for the parties finally at motion stage.
2. Facts in brief necessary for disposal of instant petition are that Tarbahar police registered Crime No. 271/2014 and filed charge sheet registered as Criminal Case No. 11957/2014 and pending before the Judicial Magistrate First Class, Bilaspur against 11 accused persons in which petitioner is also a co-accused. The charge sheet has been filed under Sections 120-B, 379, IPC of 12 counts, 467, IPC on many counts, 678 on 13 counts, 471 on 13 counts, 472 on 13 counts, 473 on 13 counts, 420 on 14 counts, 419 on 13 counts. The present petitioner filed an application under Section 451 of the Cr.P.C. before the trial Court. Said application was disposed of on 25-6-2015 and the court below rejected the prayer of the accused/applicant to give the vehicle – truck bearing regd. No. CG 10 R 0231 on supurdnama. The court below held that as the present applicant/accused and other accused stolen the said vehicle, also stolen other vehicles and changed their engine numbers and chassis numbers by punching those numbers and prepared false and fabricated documents and also sold many vehicles and since the vehicle in question is the matter of evidence and looking to the facts of the said criminal case, the trial Court rejected the prayer for supurdnama of the vehicle. Against said order, the accused filed Criminal Revision No. 173/2015. The 4th Additional Sessions Judge, Bilaspur vide order dated 30-9-2015 dismissed the said revision and affirmed the order passed by the trial Court. Against the said order, the petitioner has filed instant revision and prayed that by invoking the inherent jurisdiction of this Court, the order passed by the revisional court as well as the trial court be quashed and the

said truck be given to the petitioner on supurdnama.

3. Learned counsel for the State has filed reply and the supported the facts mentioned in the impugned order and submitted that since the petitioner is not the true registered owner as per the provisions of the Motor Vehicles Act, 1988, hence the petition may be dismissed.
4. Heard learned counsel for both the parties and perused the material on record.
5. Learned counsel for the petitioner submits that as he is the registered owner hence the property in question may be given to him on supurdnama on the basis of the entire grounds taken in the CRMP.
6. Learned State counsel opposed the petition and submitted that petitioner is not true owner of the said vehicle. Hence the petition may be dismissed.
7. From perusal of the impugned order dated 25-6-2015 passed by the trial Court and also the order dated 30-9-2015 passed by the revisional court it appears that the petitioner is also accused in the aforementioned offence against which charge sheet has been filed. The matter is pending before the the trial Court for further hearing. In the said charge sheet it is alleged that the said vehicle bearing registration No. CG 10 R 0231 and many other vehicles were stolen from different parts of the country. Their chassis number and engine number have been changed by punching and thereafter they get the vehicle registered with the help of forged and fabricatd documents which goes to show that the present petitioner is not the owner as defined in Section 2 sub-section 30 of the Motor Vehicles Act. When he is not true owner of the said vehicle and allegations are that he with the help of other accused persons he changed the engine and chassis number by punching those numbers and obtained registration certificate on the basis of forged documents, on due consideration of entire facts, I do not see any reason to exercise the jurisdiction vested to this court under Section 482 of the Cr.P.C. in the matter. The order passed by the trial court as well as the revisional court require no interference. Thus instant petition being sans substance deserves to be and is hereby dismissed at motion stage itself.

Sd/-
(Chandra Bhushan Bajpai)
Judge