

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 596 of 2014**

- Rashid Mohammad, aged about 40 years, S/o Mohammad Muslim R/o Village Bhavrahi, Police Chowki-Basdai, PS Surajpur, Tahsil Bhaiyathan, Civil and Revenue District Surajpur (CG).

---- Applicant**Versus**

1. State of Chhattisgarh, Police Chowki, Basdei, PS Surajpur, Tahsil Bhaiyathan, District Surajpur (CG).

---- Respondent

For Applicant	Ms. Meena Shashtri, Advocate.
For Respondent/State	Ms. M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/03/2016**

1. The present application under Section 482 of Cr.P.C. has been filed challenging the order dated 27.05.2014 passed by the Sessions Judge, Surajpur, in Criminal Revision No.14 of 2014.
2. The revisional court, vide impugned order has affirmed the order dated 15.05.2014 passed by the Chief Judicial Magistrate, Surajpur, rejecting the application of the petitioner filed under Section 457 of Cr.P.C. for custody of the vehicle which allegedly belonged to the applicant at the time of the offence.
3. A perusal of the record clearly reflects that the vehicle involved i.e. Pickup bearing registration No.OR-16-B-7527 was sold by Shivam Motors which is the authorized dealer of TATA Motors, the manufacturer of the vehicle. Record

further shows that one Shriram Prasad Chaudhary was the original owner of the said vehicle. Thereafter, how the said vehicle has come in the name of the present applicant is highly disputable and suspicious. The applicant's submission that he has entered into an agreement with Gyanendra Kumar, who sold the vehicle on behalf of TATA Motors to the applicant is also highly improbable for the reason that Gyanendra Kumar was never authorized for doing so by TATA Motors. Similarly, counsel for the applicant further says that Gyanendra Kumar was assigned by one Nasir whereas, this agreement (Ex. P/2) which has been executed by the applicant-Rashid Mohammad and Gyanendra Kumar does not reflect that he is selling the same for or on behalf of Nasir. In addition, it is also not established as to whether TATA Motors, at any point of time, had authorized Nasir or for that matter Gyanendra Kumar to sell the said vehicle to the present applicant particularly when TATA Motors had its authorized dealer Shivam Motors dealing with sale of the vehicle.

4. Considering these suspicious circumstances with regard to ownership and possession of the vehicle in question, in the opinion of this court, the trial court nor the revisional court have committed any illegality in passing the impugned order neither can the two orders be said to be perverse.
5. Accordingly, the application fails and is rejected. No order as to costs.

Sd/-
(P.Sam Koshy)
JUDGE