

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Misc. Petition No. 1009 of 2016

Nitin Sharma S/o Hanuman Prasad Aged About 24 Years R/o Barpali Chowk, Champa, Police Station- Champa, District- Janjgir- Champa, Chhattisgarh.

---- **Petitioner**

Versus

1. Sovikdas Aged About 33 Years
2. Mamlesh Dixit Aged About 35 Years
3. Jatin Aged About 30 Years

All R/o Mahindra & Mahindra Service Limited, Plot No. 82, I.C. Complex, Main Road, T.P. Nagar, Korba, Chhattisgarh.

4. State Of Chhattisgarh Through Station House Officer, Police Station- Janjgir, District- Janjgir- Champa, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Shri Malay Shrivastava, Advocate.
For Respondent/State	:	Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16/09/2016

1. The present petition has been preferred by the petitioner assailing the order dated 14.03.2016 passed by the 1st Additional Sessions Judge, Janjgir Champa, in Criminal Revision No.11/2015 whereby the revisional court has rejected the revision affirming the order dated 13.10.2014 passed by the Chief Judicial Magistrate, Janjgir Champa, in unregistered Criminal Case/2010.
2. The facts in nutshell is that, the petitioner filed a complaint case before the CJM, Janjgir Champa for taking cognizance against the respondents for offence under Sections 392,341 and 427/34 IPC. The CJM, vide order dated 13.10.2014 rejected the complaint case on the ground that the report submitted by the police authorities

indicate that there was an agreement between the petitioner with the Mahindra Finance Company who had provided certain finance to the petitioner to purchase Mahindra Bolero Jeep and as there was a default on repayment of said loan, the company picked up the vehicle and had taken the driver of the said vehicle also along with them and subsequently left him (Driver) at Korba. The CJM also found that there was no sufficient ground made out by the complainant side to register a case under Sections 392,341 and 427/34 IPC against the respondents.

3. The said order of CJM dated 13.10.2014 was put to challenge in Criminal Revision No.11/2015 and the revisional court also vide order dated 14.03.2016 had rejected the revision petition affirming the order of the CJM dated 13.10.2014.
4. The revisional court also vide its order has clearly held that there was an agreement between the parties i.e. the petitioner with the Mahindra Finance Company in respect of purchase of vehicle and on the default of repayment of loan, the said vehicle was picked up. In addition, the revisional court has also found that from the statement recorded on behalf of the complainant at the time of registration of complaint also did not reflect sufficient ingredients so as to constitute the offence under Sections 392,341 and 427/34 IPC.
5. In the petition, the statements recorded at the time of registration of complaint is also enclosed. The perusal of the statements made by the witnesses clearly indicate that the respondents were known to the petitioner as is evident from the deposition. They also do not dispute the fact that the vehicle was under finance from the Mahindra Finance Company and the respondents were also associated with

said Mahindra Finance Company, who had on default of repayment of loan, picked up the financed vehicle.

6. In the said factual background of the case and the statements made by the witnesses, this court is of the opinion that no strong case is made out by the petitioner calling for interference with the orders of CJM dated 13.10.2014 as well as the order passed by the revisional court on 14.03.2016.
7. Accordingly, the petition being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge

inder