

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.1107 OF 2016

ORDER:

The petitioner, who is the sole accused, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.32 of 2015 of Vakadu Police Station, S.P.S.R. Nellore District, registered for the offence punishable under Section 420 I.P.C.

2. A private complaint, which was filed under Section 200 Cr.P.C., was referred to police under Section 156(3) Cr.P.C. The allegations in the private complaint would show that the complainant intended to purchase a second hand car and was searching for the same. On 5.2.2015, the accused made a proposal to sell his Swift Car bearing No.AP 26 AC 5256 for Rs.3,00,000/-. The complainant bargained the price and at last, the accused accepted to sell the car for Rs.2,60,000/- and showed his duplicate registration certificate promising that there was no finance on the said car and the original registration certificate is at Khammam. Believing the words of the accused, the complainant gave an amount of Rs.2,60,000/- to the accused and on receiving the same, the accused executed a receipt and other relevant documents for transfer of the car in the name of the complainant and promised that he will send the original registration certificate within short time from Khammam. But even after lapse of time, the accused did not turn up. On 2.3.2015, the complainant went to wood complex in Nellore, and parked his car at Radhakrishna Kalyana Mandapam near Ayyappagudi Centre. When he returned, he found his car missing. Later, he came to know that employees of Magma Finance Company, Nellore seized his car and kept the same in their parking shed. When he approached them, he was informed that the said car was under hypothecation for an amount of Rs.2,76,000/- and as the accused

failed to pay the instalments, they seized the car. Basing on these allegations, he lodged a report before the Station House Officer, Vakkadu Police Station. As the police failed to take any action, he lodged a private complaint before the Magistrate.

3. Heard.

4. A perusal of the material on record *prima facie* discloses commission of offence punishable under Section 420 I.P.C. The averments in the F.I.R. clearly indicate that the accused, with a dishonest intention, sold away the vehicle to the informant knowing fully well that the said vehicle was financed to Magma Finance Company. Hence, I am not inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the Criminal Petition is dismissed. However, the petitioner is always at liberty to surrender himself before the Court concerned and move an application for bail after giving prior notice to the Public Prosecutor, in which event, the same shall be dealt with on the same day or at the earliest in accordance with law.

JUSTICE C.PRAVEEN KUMAR

Date: 22.02.2016

AMD

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