

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1011 of 2016 and

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CRIMINAL REVISION CASE No.1012 of 2016

COMMON ORDER:

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Since these two Revisions are arising out of same Crime, they are heard together and being disposed of by this common order.

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The petitioner in both the revisions is the third party and owner of the vehicle. Before the trial Court, he filed CrI.M.P.No.26 of 2016 in Crime No.287 of 2015 under Section 451 of Cr.P.C. to return the Verna Car bearing registration No.TS 09ED 8507 of Hyundai make 2015 model. Seeking very same relief, Andhra Bank-second respondent herein preferred CrI.M.P.No.152 of 2016. By separate orders both dated 12.2.2016, the trial Court dismissed the petition filed by the petitioner herein i.e. CrI.M.P.No.26 of 2016 and allowed the petition filed by Andhra Bank-second respondent herein i.e. CrI.M.P.No.152 of 2016. Being aggrieved by both the orders, the petitioner herein preferred both the revisions.

The brief facts of the case are that the revision petitioner purchased the Verna Car bearing No.TS 09ED 8507 of Hyundai make-2015 from a second-hand car dealer by obtaining loan from Syndicate Bank, S.R.Nagar branch and hypothecated the car to the said Bank. Subsequently, the above Crime was registered against the original owner i.e. A. Murthy on the ground that said Murthy purchased the car in question by obtaining loan from Andhra Bank. However, at the time of purchase of the said car by the petitioner herein, the entries regarding the hypothecation

of car to the Andhra Bank was not reflected in the R.C. Book and other documents. After registration of the above Crime against the original owner-A.Murthy and others, the car which was in possession of the petitioner herein was seized by the police and the same is kept under the custody of the investigating agency.

The petitioner herein and the Andhra Bank filed the above impugned applications seeking for custody of the said car and by the impugned order, the Court below returned the car to the Andhra Bank. Hence, these two revisions by the petitioner.

Heard and perused the material available on record.

Admittedly, the petitioner herein, who is claiming ownership of the car is not an accused in the above Crime and the record also discloses that at the time of availing loan from Syndicate Bank, the R.C. Book and other documents that are with the Regional Transport Office did not reflect any hypothecation of the car in favour of Andhra Bank. Further the said car was seized from the possession of the petitioner. That apart, the petitioner is the person who is paying the monthly instalments in favour of Syndicate Bank. Considering the above, this Court is of the view that if the car is returned to the petitioner with certain conditions, it will not cause any prejudice to Andhra Bank, who is second respondent herein.

In the result, the impugned orders of the trial Court are hereby set aside and the trial Court is directed to release the vehicle in question in favour of the petitioner on condition of his executing a personal bond for a sum of Rs.5,00,000/- (Rupees five lakhs only) and also on his furnishing a bank guarantee for a sum of Rs.5,00,000/- (Rupees five lakhs only). It is further directed that the petitioner shall not alienate the vehicle, shall not

change the physical features of the same till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the Court below.

The Criminal Revision Case is disposed of accordingly.

Consequently, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAJA ELANGO

20.06.2016

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