

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.1911 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner against the order, dated 08.09.2015 in C.F. No.8171 of 2015 in Cr.No.91 of 2015 passed by the II Additional Judicial Magistrate of First Class, Madanapalle.

Heard and perused the material available on record.

The petitioner is a Financial Company and it is represented through its Deputy Manager. It is the case of the petitioner that the 2nd respondent obtained loan of Rs.11,00,000/- from it, for purchase of Lorry - TATA LCV bearing Registration No.AP 02 Y 6057 under hypothecation agreement. Thereafter, the 2nd respondent became defaulter. The said vehicle was seized by the Madanapalle II Town Police in Crime No.91 of 2015 for the offences under Sections 147, 148, 307 and 353 r/w.511 r/w.149 IPC and Section 25(1) of Indian Arms Act. Since the 2nd respondent became defaulter, the petitioner became owner of the vehicle as per the terms of the agreement and therefore, he filed an application under Section 457 Cr.P.C., before the Court below for interim custody of the vehicle. The Court below dismissed the said application on the ground that the petitioner is not the registered owner of the vehicle. Challenging the same, the present criminal petition is filed.

Considering the facts and circumstances of the case and without going into the merits of the case, this Court is inclined to pass the following order:

The petitioner is directed to file a fresh application invoking

provisions under Section 451 Cr.P.C., before the Court below and such application being filed, the trial Court is directed to issue notice to the owner of the vehicle and also the aggrieved persons concerned. After hearing the parties, the Court below is directed to pass appropriate orders on the said application in accordance with law, on or before 30.03.2016.

With the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

February 17, 2016.

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