

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.117 of 2016

[Manish s/o Indal Dhone v. State of Maharashtra, through Police Station
Officer, Police Station Jaripatka, Nagpur, and another]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri K.S. Motwani, Advocate for Petitioner.

Smt. Geeta Tiwari, Additional Public Prosecutor for Respondent
No.1.

Shri Apurv De, Advocate for Respondent No.2.

Coram : R.K. Deshpande, J.

Date : 11th October, 2017

The Trial Court released the vehicle bearing registration No.MH 04-CT-630 ('Skoda' Car) on *supratnama* to the respondent No.2- Kais Yunus Shah, who is found to be the registered owner of the vehicle and in possession of it. The petitioner claims to have purchased the said vehicle under the written agreement dated 6-12-2013 for a total consideration of Rs.5,00,000/-. According to the petitioner, he paid an amount of Rs.25,000/- in cash, and the balance of Rs.4,75,000/- in two cheques, bearing Nos.847445 and 847446 for Rs.2,75,000/- and Rs.2,00,000/- respectively.

The Courts below have held that in the application filed by the petitioner, it is not stated that the petitioner paid the

amount of consideration of Rs.5,00,000/-, as is urged. The vehicle was seized from one Harvinder Singh upon registration of the offence under Section 420 of the Indian Penal Code against the petitioner. Notice was also issued to the said Harvinder Singh, who failed to approach the Court to claim the vehicle. The petitioner denies to have handed over the possession of the vehicle to the said Harvinder Singh. It is not in dispute that the respondent No.2- Kais Shah parted the possession of the vehicle with the petitioner with an expectation that the entire amount of consideration shall be paid by him. In this background, the Courts below have concurrently held that respondent No.2- Kais Shah is the owner of the vehicle and is, therefore, entitled to release of it on *supratnama*. I do not find any infirmity in such approach adopted by the Courts below.

The petition is dismissed.

Judge.