

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2017

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THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.Nos.751 and 769 of 2016
and
Crl.M.P.No.5691 of 2016

C.Suresh Kumar ... Petitioner
in both Criminal Revision Cases.

vs.

1.Gowri Shankar ...1st Respondent
in Crl.R.C.No.751/2016.

2.The State of Tamil Nadu,
represented by the
Inspector of Police,
East Police Station,
Tiruvannamalai. ...2nd Respondent in Crl.R.C.No.751/2016
& 1st Respondent in Crl.R.C.No.769/2016

3.Shankar ...3rd Respondent in Crl.R.C.No.751/2016
& 2nd Respondent in Crl.R.C.No.769/2016

Prayer in Crl.R.C.No.751/2016 :
Criminal Revision filed under section 397 r/w 401 of the
Code of Criminal Procedure, to set aside the order dated
13.04.2016, made in C.M.P.No.1927 of 2016 on the file of the
Judicial Magistrate No.II, Tiruvannamalai.

Prayer in Crl.R.C.No.769/2016 :
Criminal Revision filed under section 397 r/w 401 of the
Code of Criminal Procedure, to set aside the order dated
13.04.2016, made in C.M.P.No.2250 of 2016 on the file of the
Judicial Magistrate No.II, Tiruvannamalai.

For Petitioner

:Mr.K.S.Karthik Raja
in both Crl.R.Cs.

For R2 in Crl.R.C.No.751/16
&R1 in Crl.R.C.No.769/16

:Mr.M.Mohammed Riyaz
Government Advocate (Crl.side)

For RR1 and 3 in
Crl.R.C.No.751/16 &
R2 in Crl.R.C.No.769/16 :No appearance

C O M M O N O R D E R

These revisions arise against the orders of the learned Judicial Magistrate II, Tiruvannamalai passed in CMP.Nos.1927 of 2016 and 2250 of 2016 dated 13.04.2016.

2.The Second respondent has seized the vehicle viz., Volkswagen Polo Car bearing registration No.TN 07 BW 8784 in connection with the case registered in Crime No.108 of 2016 on the file of the Second respondent. Petitioner in both revisions and respondent in Crl.R.C.No.751/2016 moved CMP.Nos.1927 of 2016 and 2250 of 2016 on the file of the learned Judicial Magistrate II, Tiruvannamalai, seeking interim custody of the vehicle. Court below, under a common order dated 13.04.2016, granted interim custody of the vehicle to the respondent in Crl.R.C.No.751/2016, the registered owner of the vehicle. Aggrieved, petitioner has filed these revisions.

3.It is the case of the petitioner that he was the person entitled to custody of such vehicle since he had paid due consideration therefor and holds all papers required towards transfer of ownership.

4.It is the case of the defacto complainant/First respondent in Crl.R.C.No.751 of 2016 that pursuant to complaint preferred by him informing that the third respondent in such revision had taken possession of his vehicle and also obtained all forms necessary for transfer of registration. The Third respondent/accused had issued a cheque for sale consideration, which cheque had bounced and a case in Crime No.109 of 2016 on the file of the Second respondent-the Inspector of Police, East P.S.Thiruvannamalai, was registered and the vehicle was seized pursuant to investigation therein.

5.Learned counsel for petitioner has strongly contended that as a person, who has paid due consideration for the vehicle and has been in possession of all documents necessary towards effecting registration thereof in his favour, the petitioner ought to have been granted custody of the vehicle.

6.This Court is unable to accept such contention. Court below right has recognized the right of the registered owner and granted custody of the vehicle. This Court is also unable to accept the contention of learned counsel for

petitioner that according to the Motor Vehicles Act, a period of 30 days is permitted for registering transfer of ownership. In Law, liabilities lie with the registered owner. So too should the rights.

7.The Criminal Revision Cases are dismissed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II,
Tiruvannamalai.
2. Inspector of Police,
East Police Station,
Tiruvannamalai.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Karthik Raja , Advocate, S.R.No.3686

VSN(CO)
RS(03/03/2017)

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