

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

CRIMINAL APPLICATION (APL) 253 OF 2018

(Sarang s/o. Pandurangji Makde..vs.. State, thr PSO, PS Hudkeshwar, Nagpur & anr)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Kartik Patel, counsel for applicants.
Shri C.A. Lokhande, APP for non-applicant .

CORAM: ROHIT B. DEO, J.

DATE: 20th July, 2018.

Heard.

2 Challenge is to the revisional order dated 14.2.2018 rendered by the District Judge – 14 and Additional Sessions Judge, Nagpur in Criminal Revision 374 of 2017.

3 By the order impugned, the revisional Court set aside the order of the learned Judicial Magistrate First Class, Corporation Court – 2, Nagpur in Miscellaneous Criminal Application 3477 of 2017 and directed that the vehicle Ford Fiesta bearing registration MH-27/V-6160 be released in favour of the non-applicant 2.

4 The vehicle is seized in Crime 435 of 2017 registered at Police Station, Hudkeshwar for offence punishable under section 420 read with section 34 of the Indian Penal Code. Concededly, it is non-applicant 2 who is the registered owner of the vehicle.

5 The present applicant did not approach the learned Magistrate for releasing the vehicle in his favour.

However, the applicant is before this Court challenging the revisional order on the ground that non-applicant 2 has sold the vehicle to him and therefore, he is entitled to the custody although the formalities of transfer were not completed.

6 The revisional Court has noted in paragraph 10 of the order impugned that the alleged sale receipt is dated 5.1.2017, Form-28 is dated 14.9.2017, Form-29 is dated 18.9.2017 and Form-30 is dated 28.9.2017. Pertinently, Form-28, 29 and Form-30 are apparently executed after the seizure of the vehicle on 17.7.2017.

7 I do not see any infirmity, on facts or in law, in the order impugned by and under which the vehicle is released on Supratnama in favour of the registered owner. The application is rejected.

JUDGE

RSB