

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

Crl.R.C.No.1155 of 2018

M.Vikram

... Petitioner

Vs

The State Rep. by
The Inspector of Police,
J-3, Guindy Police Station,
Chennai,
Crime No.386 of 2018.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, against the order passed by IX Metropolitan Magistrate, Saidapet at Chennai in Crl.M.P.No.1280 of 2018 on 14.08.2018 and return the vehicle TATA MAGIC bearing Registration No.TN.02 AQ 9780 to the petitioner.

For Petitioner : Mr.V.Jai Shankar

For Respondent : Mr.G.Harihara Arun Somashankar,
Government Advocate (Crl.Side)

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ORDER

The present criminal revision case has been filed against the order passed by IX Metropolitan Magistrate, Saidapet at Chennai in CrI.M.P.No.1280 of 2018 on 14.08.2018, rejecting the petition filed by the petitioner under Section 451 of Cr.P.C., for return of the vehicle viz., TATA MAGIC bearing Registration No.TN-02-AQ-9780.

2. The learned Magistrate has incorporated the reasons for not accepting the case for return of the vehicle, as found in paragraph Nos. 3 to 5, which are extracted hereunder:-

“3. During the scrutiny of the records, this Court found that the Vehicle and Transport permit stands in the name of one J.Jalaludeen, S/o.Jayalani. When this Court raised a query on the ownership, it was clarified that the original owner Jalaludeen sold the vehicle for sale consideration and the attention was invited to the photocopy of documents in the name and style of “T.O Form Set” dated 18.05.2018. As per records, the Vehicle was seized from one Janarthanan on 12.05.2018 at about 11.30 a.m. Things being so, it is difficult to accept the version of the petitioner pursuant to the alleged purchase of vehicle from Jalalutheen.

4. That part, it is pertinent to state that as per Sec.50 of the Motor Vehicles Act, 1988, where the ownership of the vehicle is transferred, the transferor shall report the transfer to the registering authority within 14 days from the date of transfer. The transfer in question is within state and ought to be informed within 14 days. Without effecting the transfer in a lawful manner, the petitioner cannot laid any claim before this Court, based on the unregistered document. Mere filing of "No objection" by the Investigation Officer would never been a criteria for return of property u/s. 451 of Cr.P.C. and the petitioner is not entitled for the relief at present, based on the reply of the Investigation Officer and T.O Form Set. Things being so, this Court declined to grant the relief to the petitioner at this stage.

5. In the result, the petition is dismissed accordingly." सत्यमेव जयते

3. Once the ownership of the vehicle is in dispute and the petitioner having not established the ownership of the vehicle, such petition cannot be entertained at all. Admittedly, there was no lawful transfer of ownership of the vehicle and therefore, the petitioner cannot claim any right over the

property on the basis of any unregistered document. Therefore, the learned Magistrate had declined to grant any relief to the petitioner.

4. This Court does not find anything wrong with the order passed by the Court below. The order passed by the learned Magistrate suffers from no infirmity for this Court to interfere. Hence, the present criminal revision case is dismissed.

18.12.2018

Index : Yes/No

Internet : Yes/No

gsk

To

1. The learned IX Metropolitan Magistrate,
Saidapet, Chennai.

2. The Inspector of Police,
J-3, Guindy Police Station,
Chennai.

V.PARTHIBAN,J.

gsk



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