



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 17.04.2018

DELIVERED ON : 21.06.2018

WEB COPY

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.536 of 2017

C.Sadayaan

.. Petitioner

Vs.

1.The Deputy Superintendent of Police,
Usilampatti,
Madurai District.

2.The Inspector of Police,
Valanthur Police Station,
Usilampatti,
Madurai District.

3.Durairaj

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.4267 of 2017 on the file of the learned Judicial Magistrate No.II, Usilampatti dated 21.06.2017 and set aside the same.

For Petitioner : Mr.K.Sivabalan

For Respondents 1 and 2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

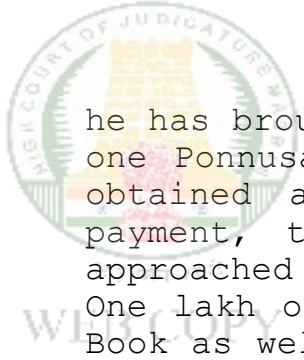
For Respondent 3 : Mr.S.Muthumalai Raja

ORDER

Heard Mr.K.Sivabalan, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 and Mr.S.Muthumalai Raja, learned counsel appearing for the third respondent.

2.This petition has been filed to set aside the order passed in Cr.M.P.No.4267 of 2017 on the file of the learned Judicial Magistrate No.II, Usilampatti dated 21.06.2017.

3.The case of the petitioner is that the petitioner purchased a tractor bearing Registration No.TN-46-A-9249 from one Rajapandi for a sum of Rs.2,32,000/- (Two Lakhs Thirty Two Thousand only) and



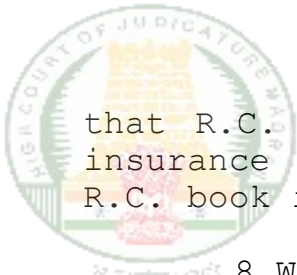
he has brought the trailer bearing Registration No.TN-60-U-8348 from one Ponnusamy @ Joker. When purchasing the tractor, the petitioner obtained a loan from Anantham Motor Finance. Due to irregular payment, the finance company seized the vehicle. The petitioner approached the third respondent for a sum of Rs.1,00,000/- (Rupees One lakh only) as security. The third respondent received the R.C. Book as well as the Transfer form of the earlier owner as security. The petitioner failed to pay the interest . The third respondent along with one more person committed theft of the vehicle and the complaint was registered in Crime No.86 of 2015 dated 03.06.2015 for the offence under Section 294(b), 379(N.P.) IPC r/w. 3(1)(r) SC/ST Act. After lodging of the complaint, the third respondent transferred the ownership of the vehicle to his name. The petitioner lodged a complaint in Crime No.65 of 2016 before the second respondent under Sections 406, 465, 468, 471 and 420 of IPC. The third respondent has filed a petition in Cr.M.P.No.118 of 2016 and the same was dismissed by the learned Judicial Magistrate No.II, Usilampatti and the third respondent challenging the same filed the revision in Cr.R.C.No.1 of 2016 before the learned III Additional District and Sessions Judge, PCR, Madurai. The petitioner filed a petition for return of the property in Cr.M.P.NO.4267 of 2017 and the same was dismissed by the learned Judicial Magistrate, Usilampatti. On the side of the petitioner, it is stated that the learned Magistrate failed to consider that the complaint was launched on 03.10.2015 and the respondent has transferred the ownership only on 07.10.2015 and prayed the property to be returned to him.

4.On the side of the third respondent, it is stated that the third respondent is the owner of the tractor who purchased the same from one Shanmugam. The petitioner worked under the third respondent misusing the position has registered a case against the third respondent. The case was not taken up by the respondent police. Hence, he filed a private complaint. The respondent produced the copy of the R.C. Book and copy of Insurance policy.

5.On the side of the prosecution, it is stated that both the petitioner and the third respondent were claiming the vehicle and that the R.C. Book stands in the name of the third respondent who is an accused in the case.

6.Records perused. The records reveals that both the petitioner and the third respondent claimed the property before the lower Court. The R.C. Book is in the name of the third respondent. Already both the petitions filed by the petitioner and the third respondent have been dismissed by the lower Court. The criminal revision petition filed by the third respondent before the lower Court is pending.

7.Mere receipt for payment of some amount to the finance company is not sufficient to prove that the petitioner is the owner of the property. On the side of the third respondent, it is stated



that R.C. Book and Insurance policy in the name of Shanmugam and insurance policy in the name of one Palanivel were filed. Copy of R.C. book is also filed.

8. Whether the petitioner has borrowed any amount from the third respondent is not proved by way of any documents. Mere filing of complaints and registering of FIRs cannot confer ownership. At this stage, the petitioner has failed to prove the ownership and the petitioner has failed to produce sufficient documents to substantiate the claim. The reasons stated in the petition are not satisfactory. There is no reasons to interfere with the order of the lower Court. Hence, this criminal revision petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No. II, Usilampatti.

2. The Deputy Superintendent of Police,
Usilampatti,
Madurai District.

3. The Inspector of Police,
Valanthur Police Station,
Usilampatti,
Madurai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.A.R.Kannappan, Advocate SR.No. 69205

+1cc to M/S.K.Sivabalan, Advocate SR.No. 69487

Cr1. R.C. (MD) No. 536 of 2017
21.06.2018

mrn

JM/SB/SAR 3/03.07.2018/3P/7C