HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 426 of 2019

Uma Shankar Sahu S/o Ram Kripal Sahu Aged About 34 Years R/o Prabhat Chowk Chigrajpara, Police Station - Sarkanda, District Bilaspur Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director General of Police State of Chhattigarh, Raipur District Raipur Chhattisgarh.
3. Superintendent of Police Bilaspur, District Bilaspur Chhattisgarh.,
4. Station House Officer Police Station Tarbahar , District Bilaspur Chhattisgarh.
5. Satish Singh Aged About 45 Years Branch Manager, Chola Mandal Investment And Finance Co. Ltd. Dindayal Garden Road, Vyapar Vihar, District Bilaspur Chhattisgarh.
6. Tikeshwar Yadav Aged About 40 Years Employee, Chola Mandal Investment And Finance Co. Ltd., Dindayal Garden Road, Vyapar Vihar, District Bilaspur Chhattisgarh.
7. Vijay Masih Aged About 34 Years Employee, Chola Mandal Investment And Finance Co. Ltd., Dindayal Garden Road, Vyapar Vihar, District Bilaspur Chhattisgarh. **--- Respondents**

For the Petitioner : Mr. Upasana Mehta, Advocate.
For the respondent : Ms. Shivali Dubey, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.3.2019

1. The present petition is against the order dated 30.07.2018 passed by the learned Judicial Magistrate, First Class, Bilaspur, whereby the application filed u/s 156(3) of the Code of Criminal Procedure was dismissed.

2. The brief facts of the case are that the petitioner has obtained a loan from Chola Mandalam Finance Company for purchase of Bolero Vehicle in the year 2013. it is stated that the loan of Rs.5,50,000/- was obtained and it was to be repaid in 47 instalments. It is further contended that 39 instalments were paid and despite the payment of instalment on 30.11.2016, the vehicle was forcibly taken away by the respondent, therefore, offence was committed.

3. A perusal of the order shows that the vehicle which was repossessed by the Company was on hypothecation and since the money was not paid, the possession of vehicle was taken over. There is no document on record to show that what were the terms of the agreement. If it is found that the vehicle was purchased on hire purchase scheme or it has been repossessed for non-payment of amount, no criminality can be ascribed and the order passed by the JMFC do not require any interference by this Court. Accordingly, I do not find any merit in the petition and it is dismissed.

Sd/-

GOUTAM BHADURI
JUDGE

Rao