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Crl.M.P.No.8531 of 2021
in Crl.R.C.No.1375 of 2012

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P.N.PRAKASH, J.

In Crl.R.C.No.1375 of 2012, this Court, by order dated 28.11.2019, had permitted Kotak Mahindra Prime Ltd. (petitioner) to dispose of the Maruti Alto LXI car, bearing registration No.TN09 AE 9724 and appropriate the amount, towards the dues from Devika (2nd respondent), who was the hire purchaser.

2. The present miscellaneous petition has been filed by the petitioner contending that Devika has paid all the amounts and therefore, they now want to surrender the said car to the police.

3. This miscellaneous petition is not maintainable, in the light of Section 362 Cr.P.C. That apart, if Devika had already paid the dues, the petitioner may return the car to Devika. The learned counsel for the petitioner submitted that Devika is not available and is in abscondance. In the opinion of this Court, this cannot be a good reason to change the custodianship of the car and direct the police to maintain the car.

In view of the above, this petition stands dismissed.

08.12.2021

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