



IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON
12.08.2021

ORDERS PRONOUNCED ON
23.08.2021

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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Cr1.R.C.No.665 of 2018

Vikas Kumar

...Petitioner/Petitioner

.. Vs ..

1. Babu

2. The State

Rep. by The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.

3. Ramesh Kumar

...Respondents/Respondents

PRAYER : Petition filed under Section 397 r/w. 401 of the Criminal Procedure Code, against the order passed in C.M.P.No.100 of 2018 in FIR in Crime No.2936 of 2017 dated 02.02.2018 on the file of the learned Judicial Magistrate, Alandur.

For Petitioner : Mr.M.Sunil Kumar

For R-1 : No Appearance

For R-2 : Mr.R.Vinoth Raja
Government Advocate

ORDER

The matter is heard through "Video Conference".

The revision petitioner, who is a third party in C.M.P.No.100 of 2018, has filed this criminal revision case against the order passed by the learned Judicial Magistrate, Alandur, in C.M.P.No.100 of 2018 in FIR in Crime No.2936 of 2017, dated 02.02.2018.

2. The petitioner in C.M.P.No.100 of 2018 namely Babu, who is the defacto complainant, has filed a complaint before the respondent police alleging theft of a Car viz., Hyundai 120 Asta Car gold colour bearing Registration No.TN-222-CM-7580. On the



basis of the said complaint, the respondent police, after investigation, has registered a case in Crime No.2936 of 2017 and recovered the vehicle from the revision petitioner herein and when the vehicle was remanded to the custody of the learned Judicial Magistrate, Alandur, it was numbered as C.P.No.58/2018. The said Babu, who is the first respondent herein, has filed the petition in C.M.P.No.100 of 2018 seeking for return of the vehicle and the said petition was allowed by the learned Judicial Magistrate, Alandur, on 02.02.2018.

3. Aggrieved against the said order, the revision petitioner herein, who is the third party in the said C.M.P.No.100 of 2018, has filed this criminal revision case, alleging that the original RC Book is with him and hence, he prayed that the learned Judicial Magistrate ought not to have granted the vehicle in question to the defacto complainant.

4. The learned Government Advocate appearing for the second respondent would contend that the third respondent herein is the original owner of the car. Due to the default committed in payment of EMI for the vehicle, the vehicle was sold in E-Auction by hypothecate. In the E-Auction, the first respondent herein/petitioner in C.M.P.No.100 of 2018, has taken the auction purchase and he became the owner of the vehicle. Subsequently, he handed over the same to one Vijaykumar for repairing, however, as he has failed to deliver the vehicle after repair, the complaint was lodged. Thereafter, the accused was arrested and vehicle was recovered from him.

5. The revision petitioner herein claims that he has purchased the car in question and also obtained transfer form from the owner of the vehicle and vehicle has been recovered from his possession. The third respondent herein was arrayed as original owner of the car and for the default committed in payment of EMI for the vehicle, the same was sold in re-auction. The first respondent herein, who is the petitioner before the learned Judicial Magistrate, Alandur, has taken up the vehicle in the auction purchase and become the owner of the vehicle. As on the date of the petition filed in C.M.P.No.100 of 2018 before the learned Judicial Magistrate, Alandur, Babu, the first respondent herein is the owner of the vehicle and in the R.C. Book, the name of the present revision petitioner is not reflected and as such, the order passed by learned Judicial Magistrate, Alandur, cannot be found fault with and hence, this petition is devoid of merits and the same is liable to be dismissed.



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6. In the result, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Jr1

To

1. The Judicial Magistrate,
Alandur.
2. The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.665 of 2018

SJ[col]
NSK 13/09/2021