



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI****Crl.RC(MD)No.550 of 2020**

R.Sakthivel

: Revision Petitioner/3rd party

Vs.

1.State represented by
Inspector of Police,
Mayanoor Police Station,
Karur District.

: 1st Respondent/Respondent

2.Stellamary

: 2nd Respondent/Petitioner

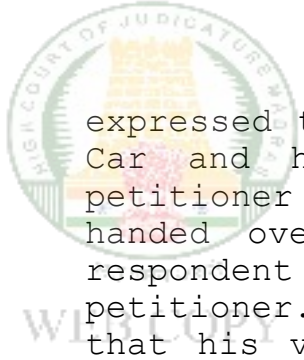
Prayer: Criminal Revision filed under section 397 r/w 401 of the Code of the Criminal Procedure, against the order, dated 11.06.2020, passed by the Judicial Magistrate No.II, Kulithalai, in Crl.MP No.1743 of 2020.

For Revision Petitioner : Mr.K.Suresh
For 1st Respondent : Mr.A.Robinson
Government Advocate
(Criminal side)
For 2nd Respondent : Mr.S.Karthick Ramkumar

O R D E R

This Criminal Revision is filed against the order, dated 11.06.2020, passed by the Judicial Magistrate No.II, Kulithalai, in Crl.MP No.1743 of 2020.

2.It is the case of the revision petitioner/3rd party that he is the owner of the Vehicle Mahindra & Mahindra XUV Ash Colour Car TN-45-BH-0756 and he purchased the same from the original owner B.Sarthar, son of Batcha, on 20.03.2020. The revision petitioner paid Rs.9,50,000/- as sale consideration. On receipt of the sale consideration, the alleged vehicle was handed over to the revision petitioner, on 20.03.2020. In addition to delivery of the vehicle, for the purpose of effecting name transfer, the vendor Mr.B.Sarthar had issued Form-29, Form-30 and Form-60 as per the Motor Vehicles Act. The ownership was transferred to the revision petitioner on 20.03.2020 and the original RC Book had also been handed over to the revision petitioner on the day itself. Due to urgent person work, the revision petitioner was not in a position to submit the necessary Forms along with the original RC Book before the RTO for effecting name transfer before 25.03.2020. After 25.03.2020, due to COVID-19, the revision petitioner is not in a position to effect name transfer of the vehicle. Under these circumstances, on 20.05.2020, the 2nd respondent, who is a family friend of the revision petitioner, approached the revision petitioner and



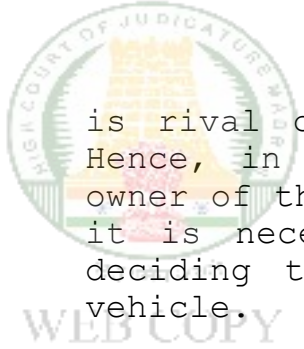
expressed that she is going to buy a new Mahindra and Mahindra XUV Car and hence, she wanted to drive the Car of the revision petitioner before her purchase and as such, the revision petitioner handed over the Car to the 2nd respondent. Thereafter, the 2nd respondent has not handed over the vehicle to the revision petitioner. In the interregnum, the revision petitioner came to know that his vehicle was handed over by the 2nd respondent to the 1st respondent police, in connection with a case in Crime No.292 of 2020. Thereafter, the revision petitioner came to know from his Advocate that the 2nd respondent has filed a petition in CMP No.1743 of 2020 before the Judicial Magistrate No.II, Kulithalai, claiming herself as owner of the vehicle. The learned Magistrate allowed the said petition, on 11.06.2020 with a direction to produce the original RC book. As the 2nd respondent has not produced the RC book, the said vehicle is still under the custody of the 1st respondent police. Aggrieved over the order of the learned Judicial Magistrate No.II, Kulithalai, dated 11.06.2020, the revision petitioner, claiming to be the owner of the alleged vehicle, is before this court.

3.Heard the learned counsel appearing for the parties and perused the materials available on record.

4.The revision petitioner/3rd party stated that he purchased the vehicle from one B.Sarthar and he took steps to transfer the ownership of the vehicle in his favour and due to COVID19 pandemic condition, it is not possible for him to submit necessary documents before the RTO officials and the 2nd respondent/petitioner is not the owner of the vehicle TN-45-H-0756 and the alleged vehicle belonged to him and prays that the vehicle may be returned to him and prays that the Criminal Revision has to be allowed.

5.On the other hand, the learned counsel appearing for the 2ndrespondent/petitioner submitted that the 2nd respondent/petitioner is the owner of the vehicle TN-45-BH-0756 and the revision petitioner/3rd party is not the owner of the above vehicle and only 2nd respondent is the owner of the above vehicle and prays for dismissal of the criminal revision.

6.In this case the 2nd respondent/petitioner stated that she is the owner of the alleged vehicle. The revision petitioner/3rd party also stated that he is the owner of the vehicle. On perusal of the records, it reveals that previously, the alleged vehicle belonged to one A.Rosy and then, it was transferred to one B.Sarthar. Now the revision petitioner/3rd party stated that said B.Sarthar sold his Car and he purchased the vehicle from him, but the vehicle was not yet transferred in the name of R.Sakthivel/3rd party and still the RC Book stands in the name of B.Sarthar. But the 2nd respondent stated that she is the owner of the vehicle. There



is rival claim in respect of the offending vehicle TN-45-BH-056. Hence, in this case, it is necessary to decide, who is the real owner of the offending vehicle. Therefore, for proper adjudication, it is necessary to remit the case back to the trial court for deciding the issue that who is the real owner of the offending vehicle.

7. In the result, this Criminal Revision is allowed. The impugned order, dated 11.06.2020, passed by the Judicial Magistrate No.II, Kulithalai, in Crl.MP No.1743 of 2020, is set aside. The case is remitted back to the trial court namely the Judicial Magistrate No.II, Kulithalai, for fresh disposal to decide, who is the real owner of the offending vehicle and to dispose of the case, purely on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To,

The Judicial Magistrate No.II,
Kulithalai,
Karur District.

+1 CC to M/s.K.SURESH, Advocate (SR-17704[F] dated 27/04/2021)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Crl.RC (MD) No.550 of 2020
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SBS (CO)
KB(27.05.2021) 3P 3C