



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.R.C.NO.258 OF 2020

Selvaraj

... Petitioner

Versus

1. The State Rep. by
The Inspector of Police,
Punjai Puliampatti Police Station,
Sathyamangalam,
Erode District.
(Crime No.114 of 2019)

2. Panneerselvam

... Respondents

[R-2 impleaded as per order dated
26.11.2021 in Crl.M.P.No.12379 of 2021
in Crl.R.C.No.258 of 2020]

PRAYER:- Criminal Revision Petition has been filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying to set aside the order dated 24.06.2019 passed in C.M.P.No.1288 of 2019 by the learned Judicial Magistrate, Sathyamangalam and allow the revision petition.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.Leonard Arul Joseph Selvam
No.1 Government Advocate
(Criminal Side)

For Respondent : No Appearance
No.2

O R D E R

This Criminal Revision Petition has been filed to set aside the order dated 24.06.2019 passed in C.M.P.No.1288 of 2019 by the learned Judicial Magistrate, Sathyamangalam.



2. The petitioner as the owner of the vehicle has moved the learned Judicial Magistrate, Sathyamangalam, in C.M.P.No.1288 of 2019 seeking return of his vehicle but, the same has been dismissed. Challenging the same, the petitioner, is before this Court with the present Revision Petition.

3. Admittedly, while at the time of purchasing the vehicle, the petitioner herein has entered into a Hire Purchase Agreement with the financier one Rajan. Later, due to the default in payment to the hire amount, the vehicle was seized by the financier and as of now, by utilising the agreed terms made in the Hypothecation Agreement, the vehicle has been sold to the second respondent by the financier. After made purchase, the name has also been changed in the R.C.Book and now the vehicle stands in the name of the second respondent.

4. Now, after admitting the same, as the second respondent is the registered owner, the petitioner herein filed a petition before the learned Judicial Magistrate stating that, by violating the terms of contract made in Hire Purchase Agreement, the vehicle was recovered by the financier. In this occasion, it is for him to take appropriate action against the financier for the alleged violation of terms of contract, also to cancel the order passed by the Regional Transport Officer (R.T.O.) in transferring the name. Without setting aside the order passed by the R.T.O., this Court cannot conclude that the petitioner, is the owner of the vehicle.

5. Therefore, in the absence of any document to show that the petitioner being the registered owner of the vehicle claiming the same for interim custody, cannot be sustained. In the impugned order also, the learned Magistrate held that, without concluding the same, as the petitioner is the owner of the vehicle, the property cannot order for given to the petitioner and the said findings arrived at by the trial Court is found correct and therefore, there is no perversity and cross injustice found in the order passed by the trial Court.

6. Resultantly, this Criminal Revision Petition is dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sri



To

1. The Judicial Magistrate,
Sathyamangalam.
2. The Inspector of Police,
Punjai Puliampatti Police Station,
Sathyamangalam,
Erode District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.14357

CRL.R.C.NO.258 OF 2020

GMR (CO)
PBS/21/03/2022