

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51920 of 2015**

Arising Out of PS. Case No.-55 Year-2013 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Sanjeet Kumar S/o Ram Pragash Mahto, R/v- Kalyanpur Basti, P.S.-
Mohiuddin Nagar, District- Samastipur Petitioner/s
Versus

1.The State Of Bihar
2. Ramu Paswan S/o Ram Prasad Paswan R/v- Mohammadpur, P.S.- Mohuddi
Nagar, District- Samastipur
3. Nirmala Devi W/o Manoj Sah R/v- Mohammadpur, P.S.- Mohuddi Nagar,
District- Samastipur... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None.
For the Opposite Party/s : Mr.Murlidhar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 20-03-2023 No one appears on call.

The present petition has been preferred for quashing of the order dated 29.06.2015 passed in Cr. Rev. No. 96/2015 passed by learned Additional District Judge V, Samastipur whereby he has dismissed the revision petition and affirmed the order dated 30.01.2015 passed by J.M. 1st Class, Samastipur in M. Nagar P.S. Case No. 55/13 arising out of C.R. No.233 of 2014.

The petitioner is aggrieved by the order dated 29.06.2015 by which the pickup van was released in favour of Mrs. Nirmala Kumari.

The contention is that the pickup van belonged to him and as the other side wanted to purchase the same but they have not made any further payment, the learned Court wrongly



passed the order to release the vehicle in his favour.

This Court has gone through the order dated 29.06.2015 passed by the learned Vth Additional Sessions Judge, Samastipur in Rev. No. 96/2015 in which it has incorporated the fact as follows:

"5. On the ultimate analysis of the facts and circumstances of the case and the submissions as advanced on behalf of rival parties and on perusal of case record find that the vehicle in question BR 06G-6100 is purchased by Sanjeet Kumar (Petitioner) from Ideal Dealers Pvt. Ltd. Moshijhari Samastipur on Finance through Tata Motors Finance Ltd. Under agreement No. 5000522512 and the Registration of the said vehicle is in the name of Sanjeet Kumar (Petitioner), this court further Finds that petitioner sold the said vehicle to O.P. Nirmala Kumari on 13/9/11 by receiving 1,50,000/- cash of which seller affidavit and sale letter in favour of Nirmala Devi O.P. is given by petitioner Sanjeet to Nirmala Devi (OP) with his signature. That is furnished by O.P. This court further finds that the petitioner O Ps also agreed to transfer the vehicle in the name of Nirmala Kumari, when the installment issued of Tata Finance is paid by O.P. Accordingly O.P. Nirmala



Kumari started paying installment amount to Tata Motor Finance Ltd. And she paid Rs. 2,53,050/- of which O.P. filed the receipts. This court finds that petitioner had handed over the vehicle to Nirmala Kumari under agreement after receiving 150000/- on 13/5/11. When O.P. Nirmala paid the real amount to Tata Finance obviously in the of Sanjeet Kumar O P asked the petitioner to transfer the vehicle in her name but petitioner malafidely filed a complaint case against the O.P. for the cheating but after the investigation the claim of the petitioner and the case was found false. That duly police seized the vehicle from the posessin of O. Ps. Man namely Suresh Rai. This court finds that petitioner himself admitted he sell the vehicle to O. P. Nirmala and the documents as filed by O.P. establish the claim of Q.P. so merely R.C. book in the name of Sanjeet Kumar does not indicate to this fact he was exclusive owner when the said vehicle was financed and Hypothecated by Tata Motors Finance Ltd. Seller's affidavit and sale letter in the name of Nirmala Kumar (OP) given By Sanjeet Kumar (Petitioner) with his signature shows he had sold the vehicle to Nirmla kumari after receiving 150000/- cash and rest amount has also paid by Nirmala Kumari (OP) to Tata Finance the receipts as



filed by O.P. corroborate the fact should shows, petitioner was the owner of said vehicle on paper only and he malafidely filed case against O. Ps with his ulterior motive that was exposed in investigation by police. So find under the facts of the case and the documents as furnished by rival parties for the claim of seized vehicle, the learned judicial Magistrate has rightly released the said vehicle BRO6G-6100 in favour of O P Nirmala Kumar till the disposal of the case CR 233/14. Sol do not find any impropriety and illegality in the impugned order of dated 30-01-15 passed by learned Judicial Magistrate, accordingly it is confirmed."

From the aforesaid observation, it is clear that the lady cleared all the dues of the petitioner to the financier and having satisfied by that, the J.M. 1st Class, Samastipur, passed the order which was affirmed by the Vth Additional Sessions Judge, Samastipur, as stated above.

No case for interference is required.

The petition accordingly, stands dismissed.

(Rajiv Roy, J)

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