

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32740 of 2016

Arising Out of PS. Case No.-192 Year-2014 Thana- DARIYAPUR District- Saran

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Bijendra Pandey Son of Late Ram Krishna Pandey resident of village -
Marhiya, Police Station Muffasil, District - Saran

... .. Petitioner/s

Versus

1. State Of Bihar
2. Chandeshwar Rai Son of Late Ram Lakhan Rai Resident of village - Kurji,
P.S. Digha, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate
For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

15 06-12-2024 The present petition under Section 482 of the Cr.PC has

been preferred by the petitioner against the impugned order

dated 27.05.2016 passed by learned Additional Sessions Judge-

II, Saran at Chhapra in Criminal Revision No. 73 of 2016

whereby learned court below has directed the police to release

the transport Bus bearing registration No. BR-04-2332 in favour

of Opposite Party No.2 (Chandeshwar Rai) who is the registered

owner in the transport authority.

2. The relevant fact of the case is that the petitioner



herein Bijendra Pandey has filed one police case bearing Dariyapur P.S. Case No. 192 of 2014 on 26.08.2014 for the offence punishable under Sections 341, 323, 419 and 420 of the Indian Penal Code stating that the vehicle in question was purchased by him on loan and the same was given to Vishwarajnan Prasad @ Pappu for plying subject to the condition that he will keep paying the E.M.I. of the Bank and also making additional payment of Rs. 25,000/- to the petitioner. However, the vehicle has been subsequently transferred in the name of Chandeshwar Rai by forging documents.

3. After investigation, charge-sheet has been submitted against Vishwarajnan Prasad @ Pappu as well as Dhananjay Kumar. Subsequently, the petitioner moved one application before learned trial court for release of the vehicle. However, the same vehicle was claimed by Chandeshwar Rai stating that he is the owner and he has purchased the vehicle from one Vishwarajnan Prasad @ Pappu who had purchased the Bus from petitioner/informant. Hence, learned trial court vide order dated 14.03.2016 had refused to release the vehicle to either of the claimants.

4. Being aggrieved by the order dated 14.03.2016, passed by learned trial court, Chandeshwar Rai preferred Cr. Revision



bearing No. 73 of 2016 before the Sessions Court.

5. Learned Additional Sessions Judge-II, Saran at Chhapra by the impugned order found that the vehicle has been registered in the Transport Authority in the name of Chandeshwar Rai after submission of Form 29 and 30 of the Motor Vehicles Act. Hence, learned Sessions Court had directed the police to release the vehicle in favour of Chandeshwar Rai who is the registered owner.

6. I heard learned counsel for the petitioner and learned APP for the State.

7. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and fraudulently the vehicle has been got transferred in the name of Chandeshwar Rai by forged signature of the petitioner and even charge-sheet has been submitted against the two accused persons.

8. However, learned APP for the State submits that there is no illegality or infirmity in the impugned order. Chandeshwar Rai is the registered owner in the Transport Authority and hence, he is entitled to release of the vehicle in his favour.

9. I considered the submissions advanced by both the parties and perused the material available on record.

10. I find that undisputedly the vehicle in question is



registered by the Transport Authority in the name of Chandeshwar Rai, though, as per the claim of the petitioner, the transfer of the vehicle in the name of Chandeshwar Rai has been done by means of forgery.

11. Be as it may, as long as the name of Chandeshwar Rai is shown as the owner of the vehicle in Transport Authority, he is deemed to be the owner of the vehicle in terms of Section 2 (30) of the Motor Vehicles Act, 1988, which reads as follows:-

30. “owner” means a person in whose name a motor vehicle stands registered, and where such person is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire-purchase, agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement.”

12. Hence, I find that there is no illegality or infirmity in the impugned order. Accordingly, the present petition is dismissed.

13. However, the petitioner is at liberty to take legal remedy to get the registration of the vehicle in the name of Chandeshwar Rai, cancelled and get the vehicle transferred in his own name.

(Jitendra Kumar, J)

Guddu/Sarwar

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