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Crl.R.C.No.1023 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.1023 of 2024

V.Yuvaraj

... Petitioner

Vs.

1.The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu.
(Crime No.105 of 2024)

2.Josi John

... Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to set aside the order passed by the learned Judicial Magistrate No.II at Chengalpattu in Crl.M.P.No.729 of 2024 by its order dated 02.04.2024 and direct to release the interim custody of vehicle viz. Toyota Kirloskar Corolla – Colour – Silver Mica bearing Regn.No.TN 01 AT 8586, Chassis No.MBJ53REE204604764, Engine No.2ZR1200395 which is seized by the respondent police vide Cr.No.105 of 2024 on the file of Chingelput Taluk Police Station, Chengalpattu.

For Petitioner : Mr.M.Sasikumar

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side) [R1]



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ORDER

WEB COPY The present revision is filed by the petitioner against the order dated 02.04.2024 of the learned Judicial Magistrate No.II, Chengalpattu in Crl.M.P.No.729 of 2024, in and by which the prayer of the petitioner seeking interim custody of the case property viz., Toyota Kirloskar Corolla – Colour – Silver Mica bearing Regn.No.TN 01 AT 8586 is rejected by the learned Magistrate.

2. The case of the petitioner is that, he purchased the vehicle viz., Toyota Kirloskar Corolla ALTIS 1 8 J car bearing Regn.No.TN 01 AT 8586 from one Abraham @ Sumith on 19.11.2023 by paying a sum of Rs.3,40,000/- in cash and had got all relevant documents pertaining to the car. On 21.11.2023, he had received a call from the 1st respondent police and the 1st respondent police have informed him that upon the complaint given by the 2nd respondent, who is the wife one Bineesh Benny, the case in Crime No.105 of 2024 has been registered as against Abraham @ Sumith for the offence u/s 379, 420 of IPC for the alleged theft of the petition mentioned vehicle, thereby, the 1st respondent police had seized the car from the petitioner. Thereafter, the petitioner filed a petition u/s 451 of Cr.P.C in Crl.M.P.No.729 of 2024 seeking interim custody of the car and the trial court had dismissed the petition vide



impugned order dated 02.04.2024. Challenging the same, the present revision

has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner had purchased the said car from one Abraham @ Sumith for a sale consideration of Rs.3,40,000/- by way of cash and the said Abraham @ Sumith is the agent of Bineesh Benny, who is the husband of 2nd respondent and the petitioner obtained a transfer of ownership form and based on the transfer of ownership form, he transferred the money to Abraham @ Sumith and the transfer of ownership form is with the petitioner. Till date, though the said car stands in the name of husband of the 2nd respondent, however, the said car was seized by the 1st respondent police, thereby the petitioner filed petition seeking return of vehicle. However, without proper adjudication, the trial court dismissed the petition filed by the petitioner, which is wholly unsustainable. Hence, the learned counsel, on instructions submitted that the petitioner is ready to abide any condition imposed by this court, thus he prays for return of vehicle.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that, the car stands in the name of the husband of the 2nd respondent and till date, the RC is not transferred in the name of the



petitioner. Apart from that, the husband of the 2nd respondent also filed a petition seeking interim custody of the car in Crl.M.P.No.730 of 2024 and the same was also dismissed by the trial court vide order dated 02.04.2024. Since there is an existence of rival claim, the trial court had dismissed the petition filed by the petitioner seeking interim custody of the vehicle, which is wholly sustainable. Accordingly, he prays for dismissal of the revision.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the 1st respondent police and also perused the materials available on record.

6. A perusal of the impugned order shows that, it is claimed by the petitioner that, on 19.11.2023, he had purchased the car from one Abraham @ Sumith for a sale consideration of Rs.3,40,000/- and he is in possession of original RC Book, Transfer of ownership form being signed by one Bineesh Beny and other relevant documents regarding the purchase of car. After the purchase, the 1st respondent police has registered a case in Crime No.105 of 2024 based on the complaint given by the 2nd respondent and seized the said car. Thereafter, the petitioner filed a petition seeking interim custody of the car before the trial court in Cr.M.P.No.729 of 2024. Apart from the petition filed by



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the petitioner, the said Bineesh Beny, who is the husband of the 2nd respondent, has also filed a petition seeking interim custody of the same car in Crl.M.P.No.730 of 2024 by claiming that he is the lawful owner of the car and without his knowledge, the said Abraham @ Sumith sold the car to the petitioner, for which, 2nd respondent has also filed the above complaint before the 1st respondent police. Both the petitioner as well as the said Bineesh Biny claimed ownership over the car and in view of the fact that there is an existence of rival claim and dispute over the ownership of the car, the trial court had dismissed both the petitions on 02.04.2024, which cannot be said to be perverse, arbitrary or unreasonable. Therefore, this Court is not inclined to interfere with the impugned order passed by the trial court.

7. Accordingly, the Criminal Revision Case is dismissed.

19.06.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
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M.DHANDAPANI, J.

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To

- 1.The Judicial Magistrate No.II,
Chengalpattu.
- 2.The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

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