



Crl.O.P.(MD)No.19332 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19332 of 2024

TATA Capital Financial Services Limited
Rep. by its Authorized Officer
Rakesh Kokkattu
Legal Manager
Having its Branch Office at
TATA Capitals Financial Services Limited
2nd Floor, TC 13/458(12)
Indian Tower
Edappanahinji Junction
Vazhuthacavd P.O
Trivandrum

.. Petitioner

Vs.

1. Piratla
2. The Inspector of Police
Kaliyakkavilai Police Station
Kanyakumari District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS to set aside the unnumbered docket order dt.14.08.2024 in Crl MP in SR No.3557/2024 passed by the Principal District and Sessions Court, Nagercoil and grant direction, directing the learned the Principal District and Sessions Court, Nagercoil to number the revision petition filed by the petitioner and consequently pass order on merits within the stipulated time.



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For Petitioner : Mr.K. Prabhu
for Mr. C.Susikumar

For Respondents : Mr.A.Thiruvadikumar
No.2 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the unnumbered docket order dt.14.08.2024 in Crl MP in SR No.3557/2024 passed by the Principal District and Sessions Court, Nagercoil and grant direction, directing the learned the Principal District and Sessions Court, Nagercoil to number the revision petition filed by the petitioner and consequently pass order on merits within the stipulated time.

2. Pursuant to the order passed by this Court dated 11.11.2024, today the learned counsel appearing for the petitioner produced registration certificate wherein financier name is Tata Capital Financial Services Limited Services. In such circumstances the trial court ought to have issued notice to the financier/hire purchaser who has got the right to re-posses the vehicle. It is seen that the impugned order in Crl.M.P. NO. 2167 of 2024 has been passed without any notice to the financier/hire



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purchaser/petitioner herein. In such circumstances filing of revision before the sessions court is proper. The sessions court returning the petitioner's petition for the reason that the petitioner is not party in Crl.M.P. No. 2167 of 2024 is not proper. Hence return is set aside.

3. In view of the same, the Criminal Original Petition stands allowed. The Sessions court is directed to entertain the petition filed by the petitioner, order notice thereafter hear the parties to the proceedings on merits and pass orders.

13.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Registry is directed to return the original of the petition documents annexed in the petition which was filed by the petitioner before this Court enabling the petitioner to re-present the same before the Sessions Court after substituting it with photostat copy.



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To

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1. The Principal District and Sessions Court, Nagercoil
2. The Inspector of Police
Kaliyakkavilai Police Station
Kanyakumari District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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