

IN THE HIGH COURT OF MADHYA PRADESH
BENCH AT INDORE

(SB: Hon'ble Mr. Justice Alok Verma)

MCRC No.3106/2015

Ashutosh S/o Ramesh Kumar Baheti

Vs.

State of MP

Shri A.K. Saraswat, learned counsel for the applicant.
Shri M.A. Mansoori, learned counsel for the respondent/State.
Shri Sunil Gupta, learned counsel for the objector.

ORDER

(Passed on this 27th day of July, 2015)

This application under section 482 of Cr.P.C. is directed against the order passed by learned Additional Sessions Judge/Special Judge, Jhabua in Criminal Revision No.73/2014 dated 17.11.2014 whereby, learned Additional Sessions Judge dismissed criminal revisions filed by the present applicant against the order passed by learned JMFC, Thandla in Crime No.172/2014, Police Station – Megh Nagar, District – Jhabua.

The relevant facts giving rise to this application are that before learned JMFC, Thandla, power of attorney of registered owner of the truck bearing registration No.GJ-04-X-7900 filed

an application for obtaining interim custody of the vehicle which was seized by Police Station – Megh Nagar on the ground that he is the registered owner of the vehicle and if interim custody of the vehicle was not granted to him, the vehicle would suffer lost in its value.

Counsel for the objector raised serious objection before the Magistrate. According to him, he purchased the vehicle from one Sharmishtha Ben Jhamar. The truck was in his possession for two years, however, the accused in that case in which vehicle was seized Rajendra Kasawa sold the vehicle to applicant Ashutosh Baheti. He maintained the vehicle for two years and also purchased fuel and he submitted receipts of purchase of fuel.

Counsel for the applicant submits that he is bonafide purchaser of vehicle. He was not knowing that vehicle was sold to the objector earlier. He paid for the vehicle and he also undertakes that if interim custody of vehicle is granted to him, he will not further transfer the vehicle to anybody.

Learned counsel for the objector submits that merely because the applicant is registered owner, the property cannot pass to him. The vehicle is movable property and he paid the

amount to said Sharmishtha Ben Jhamar. Delivery of the vehicle was given to him, therefore, ownership vests in him. He filed entire copies of the charge-sheet.

Counsel for the State opposes the application on the ground that there is serious dispute in respect of ownership of the vehicle and, therefore, in this matter, possession of vehicle should not be granted to him. He also pointed out that there are two registration certificates issued in the name of present applicant. It is also not clear how there are two separate registration certificates issued in his name that also give rise to suspicion.

I have gone through copies of the charge-sheet. There are ample evidence available on record to show that objector purchased the vehicle from Sharmishtha Ben Jhamar. There is also evidence available that possession of the vehicle was given to him. At this stage, it cannot be accepted that present applicant is bonafide purchaser and was not knowing earlier transaction about the vehicle. In this view of the matter, I find that no irregularity is committed by the courts below. This application is devoid of merit and liable to be dismissed.

Accordingly, the application is dismissed with the

direction to the trial Judge to expedite disposal of the case and the case should be disposed of within nine months after receipt of certified copy of this order.

With this observation and direction, the application stands disposed of.

C.c as per rules.

(Alok Verma)
Judge

Kratika/-