
(2001) 07 PAT CK 0103

In the Patna High Court

Case No : Criminal Revision No. 223 of 2001

Ganga Sagar Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 31-07-2001

Acts Referred:

Citation : (2001) 3 PLJR 783

Hon'ble Judges : P.K. Deb, J

Bench : Single Bench

Advocate : P.N. Pandey and Nand Kumar Singh, for the Appellant; Partha Sarthy and Manish Kumar, for the Respondent

Judgement

P.K. Deb, J.—Heard the learned Counsel for the Petitioner and also heard the Opposite Party.

2. This revision petition is preferred against the order of refusal of release of vehicle bearing registration No. UP-52/B. 6233 in complaint case No. C-91 of 2001. Admittedly the vehicle in question was in hire purchase agreement. The Petitioner had purchased the vehicle but loan amount of the financier has not been paid as alleged. The Petitioner had not paid the amounts in installments and, as such the vehicle was seized. Then complaint case was filed and the vehicle was seized. Prayer was made for release of the same. By the impugned order the same has been rejected. When a vehicle is in hire purchase then the financier has got every right to seize the vehicle if no payment is made. Whether the payments have been paid or not is to be decided as per the arbitration terms of the agreement itself. Specification is there in the agreement arbitration clause as to who should be the Arbitrator. In that circumstances, the release of the vehicle rejected cannot be said to be illegal on the face of it. If the Petitioner feels aggrieved he may move before the arbitrator for release of the vehicle. Thus, this revision petition has got no force and the same is rejected.