
(2022) 02 TEL CK 0024

In the Telangana High Court

Case No : Criminal Revision Case No. 53 Of 2022

Panneeru Mohan Raju Chandra Mohan

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 07-02-2022

Acts Referred:

Motor Vehicles Act, 1988 — Section 50
Indian Penal Code, 1860 — Section 34, 201, 306, 343, 498A, 506
Code Of Criminal Procedure, 1973 — Section 451

Citation : (2022) 02 TEL CK 0024

Hon'ble Judges : K. Lakshman, J

Bench : Single Bench

Advocate : N Sreenivasa Yadav

Final Decision : Disposed Of

Judgement

1. Heard Mr. Nagula Srinivas Yadav, learned counsel for the petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent -

State and perused the record.

2. The present Criminal Revision Case is filed by the petitioner claiming that he is the owner of Chevrolet Beat Car bearing registration No.AP 16CJ

2199. According to the petitioner, he had purchased the said vehicle from Smt. Gurram Sridevi. In proof of the same, he has filed copies of delivery

note dated 04.11.2016, advance receipt dated 03.11.2016 and Form Nos.28, 29 and 30, no objection certificate and other documents. Though the

petitioner had purchased the subject vehicle in the year 2016, he did not take steps to get the subject vehicle transferred in his name. As per Section -

50 of the Motor Vehicles Act, 1988, within forty five (45) days, the petitioner has to get the subject vehicle transferred in his name. The said Section -

50 of the Motor Vehicles Act, 1988 is reproduced hereunder:

50. Transfer of ownership. (1) Where the ownership of any motor vehicle registered under this Chapter is transferred,

(a) the transferor shall

(i) in the case of a vehicle registered within the same State, within fourteen days of the transfer, report the fact of transfer, in such form with such

documents and in such manner, as may be prescribed by the Central Government to the registering authority within whose jurisdiction the transfer is to

be effected and shall simultaneously send a copy of the said report to the transferee; and

(ii) in the case of a vehicle registered outside the State, within forty-five days of the transfer, forward to the registering authority referred to in sub-

clause (i)

(A) the no objection certificate obtained under section 48; or

(B) in a case where no such certificate has been obtained,

(I) the receipt obtained under sub-section (2) of section 48; or

(II) the postal acknowledgment received by the transferee if he has sent an application in this behalf by registered post acknowledgment due to the

registering authority referred to in section 48, together with a declaration that he has not received any communication from such authority refusing to

grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted;

(b) the transferee shall, within thirty days of the transfer, report the transfer to the registering authority within whose jurisdiction he has the residence

or place of business where the vehicle is normally kept, as the case may be, and shall forward the certificate of registration to that registering authority

together with the prescribed fee and a copy of the report received by him from the transferor in order that particulars of the transfer of ownership

may be entered in the certificate of registration.

(2) Where

(a) the person in whose name a motor vehicle stands registered dies,

or

(b) a motor vehicle has been purchased or acquired at a public auction

conducted by, or on behalf of, Government, the person succeeding to the possession of the vehicle or, as the case may be, who has purchased or acquired the motor vehicle, shall make an application for the purpose of transferring the ownership of the vehicle in his name, to the registering authority in whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, in such manner, accompanied with such fee, and within such period as may be prescribed by the Central Government.

(3) If the transferor or the transferee fails to report to the registering authority the fact of transfer within the period specified in clause

(a) or clause (b) of sub-section (1), as the case may be, or if the person who is required to make an application under sub-section (2) (hereafter in this

section referred to as the other person) fails to make such application within the period prescribed, the registering authority may, having regard to the

circumstances of the case, require the transferor or the transferee, or the other person, as the case may be, to pay, in lieu of any action that may be

taken against him under section 177 such amount not exceeding one hundred rupees as may be prescribed under sub-section (5): Provided that action

under section 177 shall be taken against the transferor or the transferee or the other person, as the case may be, where he fails to pay the said

amount.

(4) Where a person has paid the amount under sub-section (3), no action shall be taken against him under section 177.

(5) For the purposes of sub-section (3), a State Government may prescribe different amounts having regard to the period of delay on the part of the

transferor or the transferee in reporting the fact of transfer of ownership of the motor vehicle or of the other person in making the application under

sub-section (2).

(6) On receipt of a report under sub-section (1), or an application under sub-section (2), the registering authority may cause the transfer of ownership

to be entered in the certificate of registration.

(7) A registering authority making any such entry shall communicate the transfer of ownership to the transferor and to the original registering

authority, if it is not the original registering authority.â??

3. Originally, the subject vehicle was seized in connection with Crime No.117 of 201 by the Narmetta Police Station. The Investigating Officer in the

said crime had completed investigation and laid charge sheet, vide P.R.C. No.17 of 2018. Thereafter, it was committed to the Sessions Court vide

S.C. No.177 of 2018. The offences alleged against the accused therein are under Sections - 498A, 306, 506, 343 and 201 read with 34 of IPC. Vide

judgment dated 03.04.2019, the learned Assistant Sessions Judge at Jangaon has acquitted the accused therein.

4. Claiming that the petitioner herein is the owner of the subject vehicle filed an application under Section - 451 of Cr.P.C. vide Crl.M.P. No.660 of

2018 in Crime No.117 of 2017 (P.R.C. No.17 of 2018) before the learned Judicial Magistrate of First Class at Jangaon seeking interim custody of the

subject vehicle. But, the learned Magistrate has returned the said petition with an endorsement that the petitioner has not filed ownership documents to

show that he is the owner of the subject vehicle. Challenging the said order, the petitioner herein has filed the present revision.

5. As stated above, as per the copy of certificate of registration, Smt. Gurram Sridevi is the registered owner of the subject vehicle, and according to

the petitioner, he had purchased the subject vehicle on 04.11.2016 from her. In proof of the same, he has filed copies of delivery note dated

04.11.2016, advance receipt dated 03.11.2016 and Form Nos.28, 29 and 30, no objection certificate and other documents.

6. As discussed above, the accused in S.C. No.177 of 2018 were acquitted. There is no dispute that the subject vehicle was seized by the

Investigating Officer during the course of investigation in Crime No.117 of 2017. The petitioner is claiming that he has purchased the said vehicle on

04.11.2016. As per Section - 50 of the Motor Vehicles Act, 1988, within forty five (45) days, the petitioner has to get the vehicle registered in his

name. In *Sunderbhai Ambalal Desai v. State of Gujarat* (2002) 10 SCC 283, the Apex Court held that keeping the seized vehicles with the police and

also in the Court will not serve any purpose and it has to be returned to the owner of the property on verification of ownership documents and on

imposition of certain conditions, to its satisfaction.

7. In view of the above said discussion and the principle laid down by the Apex Court, liberty is granted to the petitioner herein to file fresh application

under Section - 451 of Cr.P.C. before the learned Magistrate seeking return of the subject vehicle. Liberty is also granted to him to file all the relevant

documents and refer Section - 50 of the Motor Vehicles Act, 1988 to impress upon the learned Magistrate for return of the subject vehicle. Upon

filing such application, the learned Judicial Magistrate of First Class, Jangaon is directed to consider the same and also Section - 50 of the Motor

Vehicles Act, 1988, the principle laid down by the Apex Court in *Sunderbhai Ambalal Desai*¹ and other judgments, and pass appropriate orders in

accordance with law. However, the learned Magistrate is at liberty to impose certain conditions including steps for registration of subject vehicle by

the petitioner by paying fine in terms of Section - 50 of the Motor Vehicles Act and the Rules made thereunder.

8. The present Criminal Revision Case is accordingly disposed of.

As a sequel, miscellaneous applications, if any, pending in the criminal revision shall stand closed.