
(2014) 05 JH CK 0032

In the Jharkhand High Court

Case No : Cr. Revision No. 309 of 2014

Tata Capital Financial Services Ltd.

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 09-05-2014

Acts Referred:

Citation : (2014) 05 JH CK 0032

Hon'ble Judges : Harish Chandra Mishra, J

Bench : Single Bench

Advocate : Bharat Kumar, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Harish Chandra Mishra, J.—Heard learned counsel for the petitioner and learned counsel for the State.

2. Petitioner is aggrieved by the order dated 10.3.2014 passed by Sri D. Barnwal, learned Judicial Magistrate, Ranchi, in Khelari P.S. Case No. 2 of 2013, corresponding to G.R. No. 106 of 2013, whereby the application filed by the petitioner for release of pay loader, which has been seized in connection with the case, has been dismissed by the Court below.

3. The impugned order itself shows that the petitioner is not the owner of the payloader in question, rather he claimed to be financier of the payloader in question. It also appears that no document of the vehicle in question was produced in the Court below, though no objection of the owner was filed along with the application for release of the vehicle in question. The Court below has also stated in the impugned order that it is necessary to know the stand of the owner of the vehicle in the matter of release of the vehicle in favour of the petitioner. From the impugned order, it also appears that the vehicle in question was seized in view of the fact that the payloader and another vehicles were engaged for company work and the company was trying to flee away without making the payment of the legitimate dues of other parties. In the backdrop of

these facts, the application filed by the petitioner has been dismissed by the Court below.

4. Learned counsel for the petitioner has submitted that the impugned order passed by the Court below is absolutely illegal and the same cannot be sustained in the eyes of law and the petitioner being the financier of the vehicle, the vehicle ought to have been released in favour of the petitioner.

5. Learned counsel for the State has opposed the prayer.

6. Since the impugned order discloses the fact that the petitioner is not the registered owner of the vehicle, documents relating to the vehicle were not produced in the Court below, as also the stand of the accused owner of the vehicle was also to be known, I do not see any illegality in the impugned order worth interference in the revisional jurisdiction. There is no merit in this application and the same is accordingly, dismissed.