

IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS- II,
NEDUMANGAD

**Present : Smt.Akshaya.P.R., Judicial Magistrate of First Class Magistrate-II,
Neumangad**

Monday, 1st day of June, 2026

C. M. P. No.1/2026 in Crime No.307/2026 of Vattiyoorkavu police station

Petitioner : Sangeetha.R.S, D/o.Raveendran Nathan Nair, KP
5/361, Suma bhavan, Kudappanakunnu,
Thiruvananthapuram.

By Adv. Sri.Lekshmi.V.C,

Respondent : State, represented by the Sub Inspector of
police, Vattiyoorkavu police station.

(By Assistant Public Prosecutor.)

Section : Under section 497 of BNSS, 2023

ORDER

1. This is a petition filed by the petitioner seeking interim custody of the Goods carrier tipper lorry bearing regn. no. KL 01 CZ 2002 seized in this case, under S. 497 of BNSS, 2023.

2. Contentions of the Petitioner

Petitioner is the RC owner of the vehicle in this case. The case is one registered against the accused under section 281, 125(a), 125(b) BNS & sec. 134(A) & 134(B) of the Motor Vehicles Act which was a false case. The said vehicle is produced before the Court, which was received as T. R. No. 251/2026. The investigation of the crime is over and no purpose would be served by the further custody of the said vehicle. Hence the said vehicle be released to the Petitioner, it was sought for.

3. Report of the Investigating Officer

Investigation Officer has no quarrel with the detailing of the crime, as made by the Petitioner. It is also beyond any cavil that the police had seized the vehicle detailed in the application and that it was produced before the Court. Investigating Officer has filed report objecting the release of the above item to the petitioner.

4. Heard both sides.

5. Reckoning the rival contentions of the parties, the following Points are raised for consideration:

- 1 Is the Petitioner *prima facie* entitled to possess the subject matter properties?
- 2 Is the Petitioner entitled to get the interim custody of the subject matter property?
- 3 If yes, what shall be the terms of such custody?

6. Point Nos. 1 - 3: There is no cavil as to the fact that the vehicle seized and reported before this Court in this case belongs to the Petitioner . Hence, there is no need for elaboration to find that the Petitioner is the person best entitled to the interim custody of the above vehicle . On a conspectus of all these aspects, it is indubitable that the Petitioner is entitled to possess the scheduled article.

7. From the words in use in 497 of BNSS, 2023., “.....*the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the investigation, inquiry or trial.*”, it is clear that the Court is vested with a discretion to pass an order as it thinks fit for the proper custody of the property. Therefore, the inquiry contemplated under 497 of BNSS, 2023 is not an elaborate, in-depth inquiry. Rather a *prima facie* satisfaction about the entitlement for immediate possession of the property by the petitioner will suffice. From the analysis made afore, the said requisite is satisfied here. That being the position, it is ineluctable that the Petitioner is entitled to get the interim custody of the vehicle .

8. The articles that form subject matter of this application may be required for the purpose of trial. Hence there shall be a direction to preserve the same, *pendente lite*. The learned counsel for the petitioner further submitted that the above vehicle is highly essential for the petitioner. These being the backgrounds, I am of the view that interim custody of the above mentioned items shall be granted to the petitioner by imposing following stringent condition.

Point No. 1 to 3 are so answered.

In the result, this application is allowed on the following terms:

- The vehicle shall be released to the interim custody of the Petitioner, on him executing a bond of Rs. 6,00,000/-(Rupees Six Lakhs only) with two solvent sureties each for the like sum.

- The petitioner shall produce the copies of documents pertaining to the registration, insurance, pollution test of the vehicle before the court after retaining the originals with the petitioner. The office shall compare it with copy and retain the copy compared.
- The petitioner shall produce the above mentioned item given in interim custody before this Court as and when required in the same condition and the Petitioner shall file an affidavit to that effect.
- The petitioner shall produce photographs of the above item duly attested by him before its release. The photographs shall be taken in the presence of the Investigation Officer, who shall endorse the same on the photographs. The Investigation Officer shall render necessary assistance for that process.
- The petitioner shall not alienate, transfer or alter the above item without the permission of the court.

(Pronounced by me in open court on this the 1st day of June, 2026.

Sd/-

Judicial First Class Magistrate- II
Nedumangad.

(True copy)

Judicial First Class Magistrate- II
Nedumangad.