

KABC010051432024



IN THE COURT OF THE PRINCIPAL CITY CIVIL AND  
SESSIONS JUDGE, AT BENGALURU

Dated this the 19<sup>th</sup> day of March, 2025

Present: Shri Muralidhara Pai B.  
B.Com., L.L.B.  
Principal City Civil and Sessions Judge,  
Bengaluru.

**Spl.CC. No. 226/2024**

**(Cr.No. 345/2023)**

Complainant : State of Karnataka  
By Parappana Agrahara Police Station,  
Tumakur.

[By Sri R.K. Bhat,  
Special Public Prosecutor]

Vs.

Accused : Wilson Garden Naga & others

Applicant : Naveen Mahesh Babu,  
S/o Mahesh Babu,  
Aged about 34 years,  
R/at No.2/142,  
Belagondapalli Village,  
Krishnagiri District,  
Tamilnadu-635114.

(By Sri Mahesh N., Advocate.)

O R D E R

The Applicant namely Naveen Maesh Babu has maintained this application under Section 451 and 457 of Criminal Procedure Code read with Section 497 and 503 of Bharatiya Nagarika Suraksha Sanhita, 2023 praying for an order of the custody of Toyota Innova Car bearing No. KA-03-NJ-6378 in his favour, in the interest of justice.

2. The prosecution has filed objection to this application.

3. Heard learned Counsel for Applicant and learned Special Public Prosecutor.

4. The following points would arise for the consideration of this Court:

1. Whether the Applicant has made out valid ground to allow the application?

2. What Order?

5. The findings of this Court on the above points are under:

Point No.1:- In the Affirmative;

Point No.2:- As per final order;

for the following:

REASONS

6. Point No.1: The Applicant has maintained this application praying for custody of Toyota Innova Car bearing No. KA-03-NJ-6378 on the ground that the said car belongs to him and that recently i.e. on 6.1.2025 when he had gone to the Police Station, he found some parts of the car were either damaged or stolen. In the said circumstances, he has maintained this application praying to release the vehicle to his custody on the ground that he is ready to abide by any condition that may be imposed by the Court.

7. In the application, the Applicant has specifically stated about the jurisdictional police having seized the vehicle in question from the possession of Accused Nos.3 and 5 to 7. Further, the Applicant has produced copies of Registration Certificate and Aadhaar Card to prima-facie show that he is the registered owner of the vehicle in question and his identity.

8. The prosecution has filed objection to this application. In the said objection they have not disputed the ownership of the Applicant over the vehicle in question. Further, they have also not stated anything about there being any other claim over the said vehicle. On the other hand, they have opposed this application mainly on the ground that vehicle in question has been used for commission of the crime and it is a material piece of evidence and it requires during the trial. They have stated that the Applicant has permitted use of his vehicle contrary to provisions of I.M.V. Act and gave the vehicle on hire for the purpose of committing heinous organized crime.

9. First of all, the prosecution has not alleged any role of the Applicant in the alleged crime except he having given the vehicle on hire in violation of provisions of IMV Act. If at all the Applicant has committed any breach of the provisions of IMV Act, necessary action need to be taken against him as provided under law and the such violation cannot be a ground to reject his prayer for custody of the vehicle.

10. It is the definite case of the Applicant that recently on 6.1.2025 when he visited the Police Station, he had found some damages on his vehicle and theft of some of its parts. In their objection the prosecution has not disputed the above contention of the Applicant. Thus, the above aspect indicates that though the jurisdictional police have seized the vehicle in question they have not taken necessary care for its protection and to maintain the vehicle in the same condition as it was as on the date of its seizure.

11. The said vehicle may be needed for trial in the case. However, the said aspect cannot be a ground to refuse custody of the vehicle. It is because the production of the vehicle during the trial if necessary be ensured by imposing proper conditions. Further, if the vehicle is given to custody of the Applicant, he would take care of its proper maintenance. Added to it, the Applicant has also undertaken to abide by any conditions that may be imposed by the Court. In the above circumstances, this Court holds that the Applicant has made valid grounds to allow the application. Hence, Point No.1 is answered in the affirmative.

12. Point No.2: The documents available on record indicate that the vehicle in question was manufactured on 7.7.2012 and its model is Innova 2.5 E4 seven seater vehicle. As such this Court opines that its present approximate value is Rs.2,00,000/-. In the result, this Court proceeds to pass the following:

ORDER

The application filed under Section 451 and 457 of Criminal Procedure Code read with Section 497 and 503 of Bharatiya Nagarika Suraksha Sanhita, 2023 is allowed.

The Investigation Officer is directed to release Toyota Innova Car bearing No. KA-03-NJ-6378 to the interim custody of the Applicant, subject to following conditions :

1. Applicant shall not alienate the vehicle pending disposal of the case without prior permission of the Court.
2. Applicant shall not change or alter the colour or identity of the vehicle pending disposal of the case except carrying out necessary repairs to keep it roadworthy.

3. Applicant shall produce the vehicle before the Investigating Officer or the Court as the case may be, as and when directed to do so.
4. Applicant shall execute an indemnity bond for a sum of Rs.2,00,000/- along with a surety for like sum, undertaking to abide by the conditions of this Order and to deposit the value of the vehicle or part thereof as per Order of the Court, within 15 days from date of such Order.
5. The Investigation Officer shall take sufficient numbers of photos of the vehicle in question and draw a mahazar before handing over the vehicle to the interim custody of the Applicant.

(Dictated to the Stenographer Grade-II directly on the computer, typed by her, then corrected and pronounced by me in the Open Court on this the 19<sup>th</sup> day of March, 2025)

(Muralidhara Pai B.)  
Principal City Civil & Sessions Judge,  
Bengaluru.