

**ORDERS ON APPLICATION FILED U/Sec. 503 of
BNSS**

The applicant by name Sri. H.K.Manoja, S/o Kalappa Gowda, aged about 50 years, R/o Halekote village, Bidarahalli Post, Mudigere Taluk has filed the application U/s.503 of BNSS seeking for release of the Iron Poles seized under PF No. 25/2024 in the above case.

2. It is the contention of the Applicant that, the Iron poles are in the custody of the police, there is no safe place to keep the said iron poles and the same will lose its value. Hence the applicant has come up with this application.

3. On the other hand, learned APP and learned counsel for accused filed objection to the application under Section 503 of BNSS by stating that there is a serious dispute who has put up the fence and there is also a dispute as to the seizure of the iron poles in the present case with regard to the procedure carried out under Section 100(6) of Cr.P.C. If the material objects seized under PF No.25/2024 is ordered to be released then it will prejudice the trial of the case with regard to the identification of material object and there is no chance that the said material will lose its shape, color, or structure and prays to reject the application.

4. Heard both side and peruse the materials available on record. Now, the points that arise for consideration of the above application are as follows:

1. Whether the applicant is entitled for interim custody of the Iron Poles seized under PF No.25/2024 as sought in the application?

2. What Order?

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

Point No.1: In the Negative.

Point No.2: As per order

for the following:

REASONS

6. POINT NO.1: The present application has been filed by the applicant by name H.K.Manoj S/o Kalappa Gowda when the matter has been posted for issuance of summons for the examination of the witnesses by stating that the seized material object are not in a safe custody in the police station and if the same remains in the police station then there will be a chance of losing its value and structure, hence prays to release of the material object seized under PF No.25/2024.

7. In counter learned APP and learned counsel for accused person have objected the releasing of the seized iron poles under PF No.25/2024 by stating that there is a serious dispute with respect to the fencing in the alleged place of incident and regarding the procedure carried out while seizing the iron poles under PF No.25/2024.

8. On considering the application and the objection it clearly shows that the applicant has baldly contends that the seized material object in the present case i.e., iron poles are not in a same custody and if the said materials remains in the police station then it will loose its value and structure. Herein the present case the applicant has not shown any documents in order to prove his ownership over the material object, or produced any valuation of the material object or produced any document how come the material object loose its value without proper protection. Moreover the dispute is with respect to the trespass over the complainant property and the accused persons are disputing the procedure carried out in seizing of material objects in the present case. Hence, no grounds made out to allow the application filed by the applicant in the present case. Hence, this Court answer the Point No. 1 in the **Negative**.

9. POINT No.2: In view of the above findings on point No.1, this court proceed to pass the following;

ORDER

The application filed by the applicant under Section 503 of BNSS is hereby rejected.

Reissue witness summons to CW1 to 4.

Call on 29.04.2026.

Sd/-

**C/c PRL. CIVIL JUDGE & JMFC.,
MUDIGERE.**