



IN THE COURT OF THE PRL.CIVIL JUDGE AND JMFC,

AT SRIRANGAPATNA

Present: Sri.UMESHA, M. P., B.A.L., LL.B.
PRL.CIVIL JUDGE AND J.M.F.C,
SRIRANGAPATNA

DATED: THIS THE 22nd DAY OF MAY - 2026

CC No. 1045/ 2025

COMPLAINANT : **State by K.R.SAGAR POLICE**
(Represented by Learned APP)

-Versus-

ACCUSED : 1. **MANJUNATHA.C.N** S/o Nanjunda,
Aged about 30 years, Occ: Agriculturist,
R/o Chamanahalli Village, Bannur Hobli,
T.Narasipura Taluk, Mysuru District.

2. **SRI. GANESHA** S/o Puttaswamy,
Aged about 26 years, Occ: Agriculturist,
R/o Horohalli Village,
Varina Hobli, Mysuru Taluk & District.

3. **SRI. MAHADEVASWAMY** S/o Late Shivanna
Aged about 24 years, Occ: Agriculturist,
R/o No.386, 1st Cross, Kanakere road,
Near Aralimara, Rammanahalli Village,
Mysuru Taluk, Mysuru District.

4. **SRI. SAGAR** S/o Swamy
Aged about 24 years, Occ: Agriculturist,
R/o 2nd Cross, Karikallu, Rammanahalli Village,
Mysuru Taluk, Mysuru District.

5. **SRI. VENKATESHA ALIYAS SUMA**
S/o Late Venkataiah
Aged about 65 years, Occ: Agriculturist,
C/o Murthi, Near Chamundeswari Temple,
30th Cross, 4th Main Kanakagiri, Mysuru City.

-Versus-

APPLICANT/ ACCUSED NO.3 : **MAHADEVASWAMY** S/o Shivanna,
Aged about 24 years,
R/o Rammanahalli Village, Kasaba Hobli,
Mysuru Taluk, Mysuru District.
(Owner of the Passenger Auto bearing Reg No. KA-55-A-4616)
(Represented by Sri.CMC, Advocate)



ORDERS ON APPLICATION FILED BY THE ACCUSED NO.3/APPLICANT

U/SEC. 503 OF BNSS:-

The Accused No.3/applicant/Claimant, by name **MAHADEVASWAMY** S/o Shivanna, has filed this application U/Sec.503 of BNSS, seeking interim custody of Passenger Auto bearing Reg. No.KA-55-A-4616 which is seized under P.F.No.88/2025, dated: 04.09.2025.

2. In the above said application, he has submitted that, he is the owner of the above said Passenger Auto bearing Reg. No.KA-55-A-4616, which has been seized by the Arakere police station in this case. The said vehicle has been kept in the custody of the said police. But they have got no proper place to keep the seized Passenger Auto bearing Reg. No.KA-55-A-4616. If the said vehicle is kept in the custody of the police, the value of it will be diminished due to the whether conditions. It is also submitted that ,the applicant requires the said vehicle. He is ready to obey the conditions that may be imposed by the court in the event of its release. Therefore it is prayed to allow the application.

3. Per contra the APP has filed objections to the above said application, contending that the above said vehicle which is sought to be released, is required for the evidence and is needed for identification by the witnesses at the time of trial. It is also contended that the applicant may change the colour, shape, nature of the vehicle and he may alienate the said vehicle. Therefore, he prayed to dismiss the present application.

4. I have heard the arguments addressed by both the counsels and perused the documents on record.

5. The following points arise for my consideration:-

1. Whether the Accused No.3/applicant/claimant is entitled for the interim custody of Passenger Auto bearing Reg. No.KA-55-A-4616 which is seized under PF No.88/2025 dated 04.09.2025 in this case, at this stage?
2. What order?



6. My findings on the above points are as follows:-

POINT NO.1 : IN THE AFFIRMATIVE

POINT NO.2 : AS PER FINAL ORDER.

REASONS

POINT No.1:-

7. The Arakere police have registered a case against the accused for the commission of an offences U/Sec.331(4), 305, 317(4), 317(5) of BNS. In this case they have seized the Passenger Auto bearing Reg. No.KA-55-A-4616. The applicant claims to be the owner of the above said vehicle. It is also the case of applicant that if the above said vehicle released to his interim custody, no prejudice will be caused to any other person as there are no rival claimants at this stage.

8. It is the contention of the prosecution that the above said vehicle is required for the purpose of investigation as the investigation is still under progress and it is apprehended by the prosecution that there is likelihood of change the colour, shape, nature of the vehicle being changed and he may alienate the same. So to safeguard the apprehension of the prosecution, some conditions may be imposed so that the objection raised by the prosecution can be suitably met with.

9. Since the applicant is the owner of the vehicle seized, he is entitled for the use and enjoyment of the said vehicle. By refusing to release the vehicle to his interim custody his legitimate right cannot be deprived of. In this case there are no rival claimants. Another important aspect, which needs to be considered, is the police are stated to have kept the vehicle in a open place of police station. Usually as and when the vehicle is seized and kept in the custody of police or in the court, not only they occupy the substantial place of the police station or court, but they are also prone to fast natural decay on account of whether conditions. To avoid all these, it is useful and proper to release the properties to the interim custody of the applicant. On perusal of the application it is clear that, the applicant is ready to furnish the personal bond, and also he agreed to follow the terms and conditions which



are imposed by this court. As of now there are no rival claimant for the seized vehicle.

10. Apart from above, I gain support from decision of the Hon'ble Supreme Court, reported in (2002) 10 SCC-283 in between Sunderbhai Ambalal Desai v/s State of Gujarat (ILR (4) 2003 Kar 2244) : (AIR 2003 SC 638). The supra decision makes it obligation on the part of the magistrate to release the seized articles immediately. Relying on the dictum supra, I am of the opinion that, it is just and proper to release the seized vehicle to the interim custody of the applicant. Thus, as there are no rival claimants this court is inclined to release the above said vehicle on imposing certain conditions.

11. Therefore, I am of the view that the applicant is entitled for interim custody of the above said vehicle. Hence, point No.1 is answered in the Affirmative.

Point No.2:

12. In the result, I proceed to pass the following:-

ORDER

The application filed by the Accused No.3/applicant U/Sec. 503 of BNSS., is hereby allowed.

The Passenger Auto bearing Reg. No.KA-55-A-4616 is ordered to be released to the interim custody of the applicant by name Mahadevaswamy S/o Shivanna on his executing Indemnity bond of Rs.5,00,000/- subject to the following:

CONDITIONS:

1. The applicant shall execute an indemnity bond for a sum of Rs.5,00,000/- with one surety for the like sum.
2. The applicant shall not alienate the said vehicle to anybody in any manner pending disposal of the case.
3. The applicant shall not change the colour, shape and nature of the said vehicle in any manner till disposal of the case.



4. The applicant shall produce the said vehicle either before this court or before the I.O, as and when directed to do so. To anybody in any manner pending disposal of the case.
5. A detailed panchanama shall be prepared in respect of the above said vehicle. The detailed panchanama of the article in question should be drawn by the Investigating Officer in the presence of two panchas and in the actual and physical presence of the claimant before releasing to the applicant under due panchanama.
6. Photographs of the said vehicle shall be taken at the expense of the claimant. The photographs of such vehicle shall be taken in the presence of the claimant and the same shall be produced before the court. The photographs of the said vehicle shall be attested or counter signed by the panchas and the claimant and produce the photographs, CD or negative and the certificate of the photographer as required U/Sec.63 of the BSA -2023.

In case if the applicant violates any of the said conditions the indemnity bond and surety bond shall be liable to be forfeited to the state without any prior notice.

(Dictated to the Stenographer directly on Computer, typed by him, order corrected and signed by me, then pronounced by me in the Open Court on this the 22nd day of MAY- 2026)

(UMESHA M.P)
Prl.Civil Judge & JMFC,
Srirangapatna