

KAUK010006002025



**IN THE COURT OF THE II ADDL. DISTRICT & SESSIONS  
JUDGE, UTTARA KANNADA, KARWAR**

**DATED THIS THE 18<sup>th</sup> DAY OF JUNE, 2025**

**Spl. Case No.35/2025**

**PRESENT:** **Sri. MAYANNA. B.L.,**  
*B.A., LL.B.,*  
II Addl. District & Sessions Judge,  
Uttara Kannada, Karwar.

**COMPLAINANT:** The State of Karnataka,  
Through Sirsi Town PS,  
Rep. by Public Prosecutor,  
Uttara Kannada, Karwar.

**Vs.**

**ACCUSED** Preetham & Another

**AND**

**CLAIMANT:** Sachin Venkatraman Shirali  
**APPLICANT** Age: 46 years, Occ: Businessman  
R/o: Chowkimath Road,  
Near TV Station, Sirsi (UK)

(By Shri. NTS., Advocate)

**ORDERS ON APPLICATION FILED UNDER SECTION 503  
OF BNSS**

The Claimant/Applicant has filed the Application under Section 503 of BNSS seeking for release of the vehicle TVS WEGO-120 Scooty bearing No.KA-31/V-7071, Chassis No.MD626AG48E1F60822, Engine No.0G4FE1156714, which

was seized by the Sirsi Town Police, in Crime No.20/2025 and subjected under PF. No.15/2025 dated 25/02/2015, for his interim custody.

2. The Claimant/Accused submits that he is the registered owner of vehicle TVS WEGO-120 Scooty bearing No.KA-31/V-7071. The claimant contended that the Sirsi Town Police have filed the case against 2 Accused persons by name Preetham and Pooja and in that regard the Complainant Police have already submitted the charge sheet. The Applicant is neither concerned with the case nor he is connected with any offence. The Applicant is CW-25 in this case. The Claimant is the registered owner of the above said vehicle which has been seized by the Police alleging that the Accused No.1 had used the said scooter prior to the commencement of the alleged incident/offence punishable under Section 103, 54 R/w 3(5) of BNS and Section 3(2)(v) of Schedule Caste and Scheduled Tribe (Prevention of Atrocities) Act. Accordingly, the IO has subjected the above said property under PF No.15/2025. The Claimant is a Driver by avocation and above said vehicle is only source of his travel and he is emergent need of the said vehicle in his daily routine. If the said vehicle remained in the custody of Police for longer, then it will become worthless and useless due to rust and thereby the Applicant will be put to greater hardship. The applicant further contended that the said vehicle is not required by the Police for any investigation. Since the Applicant is the RC owner of the said vehicle is entitled for the custody of the same and none others have

right over the said vehicle. If the vehicle is not released in favour of the Applicant during the pendency of the above case, the condition of the above vehicle will be deteriorated and will become worthless and same will be cause irreparable loss to the Applicant. The Applicant is ready to abide by the condition, if the vehicle is released in favour Applicant. Hence, on these grounds, he prayed to release the said vehicle to his interim custody, by allowing the application.

3. The learned Public Prosecutor has filed the detailed objections stating that the Application filed by the Claimant is not maintainable and same is liable to be rejected. The Accused has committed the offence under Section 103, 54 R/w 3(5) of BNS and 3(2)(v) of SC & ST (PoA) Act and he has used the said vehicle for commission of the offence. At this stage, if the Application is allowed and Scooter is released to the interim custody of the Claimant/Applicant, there is every possibility of change of identity or colour of the Vehicle and also he may sell the vehicle to third parties and hence, prayed for rejection of the said Application.

4. Heard the arguments of both sides.

5. The following points arise for my consideration are :

1) Whether the Claimant/Applicant is entitled for interim custody of vehicle TVS WEGO-120 Scooty bearing No.KA-31 V 7071, seized and subjected under PF No.15/2025?

2) What Order?

6. The findings of the Court on the above points are as under:

Point No.1: In the Affirmative,

Point No.2: As per final order,  
for the following:

### **REASONS**

7. **Point No.1**:- I have carefully gone through the Application filed by the Claimant/Applicant, objections of the Prosecution and documents produced by the Claimant and perused the charge sheet. The Claimant/Applicant has filed the application seeking for interim custody of vehicle TVS WEGO-120 Scooty bearing No.KA-31 V 7071, Chassis No.MD626AG48E1F60822, Engine No.0G4FE1156714, which was seized by the Sirsi Town Police in Crime No.20/2025 and subjected under PF. No.15/2025 dated 25/02/2015, for the offence punishable under Section 103, 54, 3(5) of BNS and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act.

8. The Claimant/ Applicant has contended that he is the RC owner of the vehicle TVS WEGO-120 Scooty bearing No.KA-31/V-7071, which is alleged to have been used for the commission of the offences. Further, it is contended that, the said vehicle is very much required to the Claimant/ Applicant to his day-to-day use. The vehicle is kept in open space of the police station. If the said vehicle is remained in the custody of the Police for longer in the open space, then the value of the vehicle become less due to rust. As the police have already

filed charge sheet, the said vehicle is not required for investigation. Since the Claimant is the RC owner of the said vehicle and in this regard he has produced the xerox copy of RC Card and insurance of the vehicle, he is entitled for the custody of the said vehicle. If the vehicle is not released, the condition of the vehicle will be deteriorated and become worthless and cause irreparable loss to the Claimant. Further, in the event of release of the vehicle, the Claimant is ready to abide by the terms and conditions and he undertakes that he will not sell or alienate the said vehicle and also he will not change identity and colour of the said vehicle. The Claimant/Applicant is ready and willing to produce the said vehicle as and when directed, therefore, he prayed to release the vehicle for his interim custody.

9. The objections of the Prosecution that the vehicle is required for identification during the course of the Trial and if the vehicle is released to the interim custody of the Claimant/Applicant, there is every possibility of change of identity and colour of the vehicle. Further, the Claimant/ Applicant may also use the said vehicle for commission of similar offence, there is every possibility of alienation or sale of the motorcycle.

10. It is not in dispute with regard to seizure of vehicle. The Claimant/Applicant has produced the xerox copy of RC Card and Insurance Policy of the said scotter and also produced the xerox copy of his Adhaar Card and DL. The said documents discloses that the Claimant/ Applicant is the RC

owner of the TVS WEGO-120 Scooty bearing No.KA-31/V-7071. In the Order dated 27/10/2022 passed by the Hon'ble High Court of Karnataka in Criminal Petition No.9257/2022, the Hon'ble High Court has held that the vehicles shall not be allowed to lie idle in front of the police station. It is further held that the Magistrate or Court shall dispose of the application for releasing the vehicle to the RC owners by imposing certain conditions. If the vehicles are allowed to lie in front of the police station, there may be wear and tear and it cannot be possible for the police to bring the vehicle to the Court for the purpose of identification. The Hon'ble Supreme Court has also laid down the guidelines for taking of photographs of the vehicle with the Panchanama by the Investigation Officer, while releasing the vehicle.

11. In the case on hand, if the Vehicle is kept idle, no purpose will be served and further there will be wear and tear. If the Vehicle is exposed to nature, rain and sun light, the spare parts of the vehicle may get rust and the quality of the vehicle will deteriorate. As the Applicant/Claimant claimed that he is the registered owner, he is entitled for interim custody of the said vehicle. Except the Applicant/Claimant, there are no other claimants. The Applicant/Claimant himself has undertaken that he will not change the colour, alter the vehicle and alienate the vehicle. Therefore, the objections of the Prosecution can be met out by imposing certain conditions. In view of the above, the Claimant/Accused has made out a case for release of vehicle

to his interim custody. Hence, this Court answers Point No.1 in the **Affirmative**.

12. **Point No.2:-** In view of the findings on Point No.1, this Court proceed to pass the following:

**: ORDER :**

The Application filed by the Claimant/Applicant under Section 503 of BNSS is allowed, with following conditions;

1. The vehicle TVS WEGO-120 Scooty bearing No.KA-31/V- 7071, is ordered to be released in favour of the Claimant/Accused on execution of Indemnity Bond for Rs.30,000/-, with one surety for likesum.
2. The Claimant/Applicant shall produce the Vehicle before this Court, whenever it is directed to do so.
3. The Claimant/Applicant shall not change the colour and the identity of the vehicle, without prior permission of the Court, till disposal of the case.
4. The Claimant/Applicant shall not sell or hypothicate the Vehicle, without prior permission from the Court, till disposal of the case.

5. Before release of Vehicle, the Investigating Officer shall take photographs of the Vehicle from all four sides, draw panchanama and produce the photographs with CD and panchanama before the Court, immediately after releasing the same.

(Dictated to the stenographer directly on computer, revised and corrected by me, signed and then pronounced in the open court on this the day of 18<sup>th</sup> June, 2025.)

**(MAYANNA. B.L.)**

II Addl. District & Sessions Judge,  
Uttara Kannada, Karwar.

