

KAUK010014532025



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

DATED THIS THE 26th DAY OF DECEMBER, 2025

SESSIONS CASE No.19/2025

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

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

Vs.

ACCUSED Nitesh Suresh Tandel & Others.

AND

CLAIMANT: Irfan Ahmed Nilamji
APPLICANT S/o Hussainsab Nilamji
Age: 40 years,
R/o: Rohidas Dinesh Kadwadkar
224/1, Angadiwad Kadwad,
Karwar UK.

(By Shri. V.N.N., 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 Hero Maestro Scooter bearing No.KA-30/W-5232, Chassis

No.MBLJFW154MGB04703, Engine No.JF16EKMGB03656 which was seized by the Karwar Town Police, in Crime No.29/2025 and subjected under PF. No.55/2025 dated 22/04/2015, for his interim custody.

2. The Claimant/Accused submits that he is the registered owner of vehicle Hero Maestro Scooter bearing No.KA-30/W-5232. The claimant contended that the said vehicle has been seized by Karwar Town Police Station in the above case and the same is subjected under PF No.55/2025. Though, the above vehicle is not used for commission of offence, the Police have falsely implicated the said vehicle in the alleged crime. The Police have not followed the mandatory requirement at the time of the alleged seizure. The Police have completed the investigation and filed the charge sheet in this case and hence, the said vehicle is not required for any further investigation. 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. Since the Applicant is the RC owner of the said vehicle, he is entitled for the custody of the same and none others have right over the said vehicle. The Applicant is ready to abide by the condition, if the vehicle is released in favour Applicant and also ready to furnish proper surety for the satisfaction of the Court. 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. While committing the above said offences, the Accused persons have used the said vehicle for commission of the offence and hence same was seized by the Police. At this stage, if the Application is allowed and vehicle 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 Hero Maestro Scooter bearing No.KA-30/W-5232, seized and subjected under PF No.55/2025?

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:-** This Court has 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 Hero Maestro Scooter bearing No.KA-30/W-5232, which was seized by the Karwar Town Police in the above Case and same is subjected under PF. No.55/2025 dated 22/04/2015.

8. The Claimant/ Applicant has contended that he is the RC owner of the vehicle Hero Maestro Scooter bearing No.KA-30/W-5232, 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. The Claimant has produced the original RC Card and insurance of the vehicle and also his Aadhar Card and hence, 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. It is not in dispute with regard to seizure of vehicle. The Claimant/Applicant has produced the original RC Card and Insurance Policy of the said vehicle and also produced his Adhaar Card. The said documents disclose that the Claimant/ Applicant is the RC owner of the Hero Maestro Scooter bearing No.KA-30/W-5232. 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.

10. 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**.

11. **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 Hero Maestro Scooter bearing No.KA-30/W-5232, is ordered to be released in favour of the Claimant/Applicant on execution of Indemnity Bond for Rs.25,000/-, 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 26th December, 2025.)