

**IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST CLASS-II,
MAVELIKARA**

Present:-Sri.Anandhu.J.B, Judicial First Class Magistrate -II.

Dated this the 9th day of May, 2025

CMP.1053/2025 in CC.No.411/2024 of Nooranad police station

Petitioner : Sreelal, aged 37, S/o Sreedharan, Thadathil
Thekkathil veedu, Chooralloor muri, Thekkekara
village, Mavelikara Taluk, Alappuzha Dist.
(By Adv. T.S.Krishnakumar)

Counter Petitioner : State represented by the Sub Inspector of
Police, Nooranad P.S.
(By A.P.P, JFCMC-II, Mavelikara)

Section of Law : U/s 498 of Bharatiya Nagrik Suraksha
Sanhita, 2023.

This petition coming on this day for consideration, the court passed the following:-

ORDER

This is an application filed by the petitioner u/s 498 of Bharatiya Nagrik Suraksha Sanhita, 2023 to release the vehicle (MAESTRO STANDARD of Hero Moto Crop Limited) bearing Regn. No. KL-31-G-2096.

2. Petitioner is the registered owner of the vehicle bearing Regn.No.KL-31-G-2096 . The Nooranad police seized the above vehicle in connection with Crime no.1069/2024. Being the sole owner, he is entitled to the immediate possession of the same and hence sought for releasing the vehicle into his interim custody. Petitioner produced copy of RC Book of the vehicle and his Aadhar card before the court.

3. Notice was given to Learned Assistant Public Prosecutor. The SHO, Nooranad filed report.

4. Heard both sides. Perused the records.

5. The vehicle is produced before the court and numbered as TR.195/2024. Having regard to the facts and circumstances of the case, I am of the opinion that the Investigating officer has no case that the vehicle is required for the purpose of investigation. Constant exposure of

the above said property to sun and rain would cause considerable loss and hardship to the petitioner and the value of the property is also likely to be diminished.

6. Hence, considering the above reasons and the dictum of the Hon'ble Apex Court in **Sunderbhai Ambalal Desai V State of Gujarat (AIR 2003 SC 638)** this court is duty bound to release the vehicle without further delay.

In the result, petition is allowed on following conditions:-

1. Petitioner shall execute bond of Rs. 50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum.
2. Petitioner shall take four photographs of the vehicle along with CD from its different dimensions to show Registration number, Crime number and TR number. Photographs shall be counter signed by petitioner, her counsel and the Investigating Officer.
3. Petitioner and the vehicle shall not involve in any other crime.
4. Petitioner shall not dispose or alienate or alter the vehicle until disposal of the case. He shall file an affidavit stating the same.
5. Petitioner shall produce the vehicle as and when required.
6. The petitioner shall produce the original R.C book, insurance certificate and pollution certificate which is to be verified by C.M.O of this court and CMO shall prepare an inventory. Originals shall be returned to the petitioner and copies shall kept in the file.

(Dictated to the Confidential Assistant transcribed and typed by her corrected and pronounced by me in the open Court on 9th day of May, 2025)

JUDICIAL FIRST CLASS MAGISTRATE-II

Mavelikara