

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, HARIPAD

Present:- Saleena V.G. Nair, Special Judge

Tuesday, the 10<sup>th</sup> day of October, 2023

**Crl.M.P. 665/2023 in SC 317/2023**

(Crime No.58/2023 of Kanakakkunnu Police Station)

Petitioner/Accused : Adarshkumar, aged 23,  
S/o Anilkumar, Adarsh Villa,  
Chingoli Village, Karthikappally Taluk.  
  
*(by Adv.Sri. Krishnakumar V.)*

Respondent/Complainant : State of Kerala – represented by Inspector SHO,  
Kanakakkunnu P.S.  
  
*(by Sri.S. Reghu, Special Public Prosecutor,  
Haripad)*

Section of Law : U/S.451 of the Cr.P.C.

Order : Petition is allowed.

This Crl.M.P. having been finally heard on 07/10/2023 and stood over for consideration to this day, the court on the same day passed the following:

**ORDER**

This is a petition filed u/S.451 of the Cr.P.C.

2. The averments in the petition is that the petitioner is the owner of the Yamaha R15 motorcycle bearing Regn.No.KL-29/U 0531, Dell Inspiration Laptop, laptop bag, laptop charger, Huawei mobile phone, Samsung M32 make mobile phone, woodland company make brown purse, copy of RC book, pan card, election ID and Adhaar Cards of the petitioner and his father were seized and produced before the court in connection with the aforesaid case, which was instituted on the basis of the final report in Crime No.58/2023 of the Kanakakkunnu Police Station. All items except the said vehicle is kept in the safe custody of the court and the vehicle is kept on the premises of the Kanakakkunnu Police Station and if the said vehicle is kept in open, it would corrode away. Hence, the petitioner/accused is prayed that the interim custody of the aforesaid items be given to him.

3. Heard both sides. Perused the records. The learned Special Public Prosecutor has endorsed in the petition that prosecution has no objection in releasing the vehicle. Regarding the other items in the written report of the Station House Officer, Kanakakkunnu submitted by the learned SPP, the court is requested to give appropriate orders. No grounds for retaining the items in court has been stated. No grounds of

objection against releasing the items in interim custody is also stated. The described items in the property list belongs to the petitioner and his father. The further keeping of the aforesaid items in the custody of the court is unnecessary as investigation is complete. Prosecution has no case that the items or its contents can be sabotaged, misused or destroyed and if so, belonging to the petitioner and has any chances of being prejudicial to the trial. Hence, the said items received in **DCTR Nos.86/23 & 92/23** are ordered to be released to the interim custody of the petitioner subject to the following conditions:-

- (1) *The petitioner shall execute bond for ₹1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum.*
- (2) *The SHO concerned shall take the photographs of the vehicle and shall produce the same after certifying the correctness of the same within 10 (ten) days from the receipt of the copy of this order. The petitioner shall bear the expenses required for the purpose of taking photographs of the vehicle.*
- (3) *True copies of the items which are documents shall be taken from court and produced.*
- (4) *The petitioner shall not transfer/alienate the vehicle or the other items without getting the prior permission of the court.*
- (5) *The petitioner shall not make any alteration in the vehicle.*
- (6) *The petitioner shall produce the vehicle and other items received by him in interim custody as and when required to do so and shall file an affidavit to that effect within 5 (five) days from today.*
- (7) *The petitioner shall produce the original Registration Certificate and Insurance Certificate in respect of the said vehicle and shall produce the documents to prove his identity/address along with his e-mail ID and permanent telephone number (the original records will be returned after verification).*
- (8) *The CMO of this court shall notify the SHO concerned of this order forthwith.*

*(Dictated to the C.A., data entered by him, corrected and pronounced by me in Open Court on this the 10<sup>th</sup> day of October, 2023).*

Sd/-  
Special Judge,  
Fast Track Special Court, Haripad.

pk/-

-//True Copy//-

Special Judge,  
Fast Track Special Court, Haripad.