

IN THE COURT OF THE JUDICIAL I CLASS MAGISTRATE,
KOLENCHERY:

Present : Smt. Sirsha N A
Judicial I Class Magistrate

Monday the 15th day of January, 2024

CMP No: 1493 of 2023

In

CC No: 245 of 2023

Petitioner : Jisha Roy, W/o. Roy, Aged 46 years,
Kavanathottathil House, Ooramana Kara,
Memury Village.

(By. Adv. P Pravveen)

Respondent : State represented by the Sub Inspector of Police,
Ramamangalam Police Station
(Crime No. 588/2019 of Ramamangalam Police Station)

(By A.P.P. Kolenchery)

Order : CMP is allowed.

ORDER

1. This is an application filed under section 451 of Cr.P.C to get interim custody of Nikon DSLR Camera of the Petitioner involved in Crime No: 588/2019 of the Ramamangalam Police Station. The crime is registered for the offences punishable under sections 457, 461, 380 r/w Sec 34 of IPC.
2. **The Case of the Petitioner:-** As per the petitioner he is the owner of the Nikon DSLR Camera. The Police seized that camera in Crime No: 588/2019 of Ramamangalam Police Station and produced it before the court. It is in the custody of the court as T. No: 209/2019. Therefore, the petitioner approached before this court to get interim custody of the camera. Hence this petition.
3. Copy of the application served to the learned Assistant Public Prosecutor.

4. Heard both sides and perused the records.
5. On perusal of records it could be seen that Nikon DSLR Camera belongs to the petitioner and the same was seized by the police. The offences involved in Crime No: 588/2019 are under sections 457, 461, 380 r/w Sec 34 of IPC. Nobody except the petitioner has preferred any petition for getting the interim custody of the camera concerned. If the camera kept idle it will become defective and defunct. Therefore, I am of the view that the interim custody of the camera can be given to the petitioner by imposing strict conditions.

In the result:-

- a) This petition is allowed. The interim custody of Nikon DSLR Camera is given to the petitioner upon the following conditions.
- b) The petitioner shall execute a bond for Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) along with two solvent sureties for the like sum.
- c) The petitioner shall produce the photographs of the Camera with CD and the petitioner shall attest those photographs in the presence of Chief Ministerial Officer of this court.
- d) The petitioner shall prepare an inventory of the camera and get to be attested by the Chief Ministerial Officer of this court.
- e) The petitioner shall not alienate or dispose the Camera till the disposal of the case.
- f) The petitioner shall produce the Camera as and when required by this court or any other court.

(Dictated to the Confdl. Asst, transcribed and typed by her, corrected by me and pronounced in open court on this the 15th day of January, 2024.)

Sirsha N A
Judicial Ist Class Magistrate
Kolenchery