

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

Present : Smt. Sirsha N A
Judicial I Class Magistrate

Wednesday the 27th day of November, 2024

CMP No: 1090 of 2024

In

CC No: 511 of 2024

Petitioner : Ajith K S, S/o. Subhash, age 20/24,
Konathparambil House, Monappilly Kara,
Puthencruz P O, Aikkaranadu South.

(By. Adv. C R Vinod Kumar)

Respondent : State represented by the Sub Inspector of Police,
Puthencruz Police Station
(Crime No. 877/2024 of Puthencruz Police Station)
(By A.P.P. Gr. II)

Order : CMP is dismissed.

ORDER

1. This is an application filed under section 497 of BNSS to get interim custody of Honda City car bearing No: KL-07 AF-2500 of the Petitioner involved in Crime No: 877/2024 of the Puthencruz Police Station. The crime is registered for the offences punishable under section 20(b)(II)(A) of NDPS Act.
2. **The Case of the Petitioner:-** As per the petitioner, he is the accused in this case and registered owner of the Honda City car bearing No: KL-07 AF-2500. The Police seized that vehicle in Crime No: 877/2024 of Puthencruz Police Station and produced it before the court. It is in the custody of the court as item No: 3 in T. No: 347/2024 and the same was

entrusted to the Police to keep the same in the Police Station premises. The vehicle is now remaining in the Puthencruz Police Station premises subject to rain and dust. It will reduce the value of the vehicle. Therefore, the petitioner approached before this court to get interim custody of the vehicle. Hence this petition.

3. Copy of the application was served to the learned Assistant Public Prosecutor. The prosecution filed the report. As per the same, the Police expressed objection in giving the custody of the vehicle to the petitioner.
4. Heard both sides and perused the records.
5. On perusal of records it could be seen that the Honda City car bearing No:KL-07 AF-2500 belongs to the petitioner and the same was seized by the police. The offence involved in Crime No: 877/2024 of Puthencruz Police Station are under sections 20(b)(II)(A) of NDPS Act. As per the prosecution records the above said vehicle is allegedly used by the accused as a conveyance for committing the above said offence. More over the accused is involved in many similar offences in various police stations. In view of the said submission I am of the view that this petition cannot be allowed. Earlier an application for the interim custody of the same vehicle ie., CMP No:803 of 2024 dated, 19.09.2024 had been dismissed by this court.

In the result:-

This petition is dismissed.

(Dictated to the Confdl. Asst, transcribed and typed by her, corrected by me and pronounced in open court on this the 27th day of November, 2024.)

Sirsha N A
Judicial Ist Class Magistrate
Kolenchery