

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II, KOLLAM
PRESENT :- Smt.Lekshmi Sreenivas, Judicial 1stClass Magistrate – II, Kollam

Dated this the 30th day of May, 2026

CMP 5/2026

Petitioner : Shyamkumar S, S/o. Suresh Kumar
Kollantevila veedu, Karamcode P.O., Chirakkara village
(By Adv. Varsha S)

Respondent : State–represented by the Sub-Inspector Police
Kollam East police station in Cr. No. 380/2026

Order : CMP allowed.

ORDER

1. This is an application filed u/s. 497 BNSS by the petitioner to get interim custody of motor cycle bearing registration No. KL 02 BK 2561 produced before the Court.

2. The property is involved in Kollam East police station in Cr. No.380/2026 Copy of the petition was served to the prosecution and SI of Police, Kollam East police station filed report.

3. Heard the learned counsel for the petitioner and perused the records

4. Learned APP opposed the application.

5. On perusal of prosecution records and the documents produced by the petitioner, I am prima facie satisfied that the petitioner is the registered owner of the above said vehicle . The copy of RC of the said vehicle is produced before this Court. Further no one has come up before this Court challenging the ownership of the same vehicle till date. Hence the petitioner is entitled to get the interim possession of vehicle. Moreover, if it remains unused it will be destroyed and petitioner will be put in great hardship. Hon'ble Apex Court in **Sundar Bhai Ambalal Desai Vs State of Gujarath** reported in **AIR 2003 SC 638** it was held that "*owner of the article should not suffer because of it remain unused and the Court is not required to keep this article in safe custody and which has to be handed over by preparing proper panchanama*". Hence it is only just and proper to grant interim custody of the property of the petitioner subject to the following conditions.

1. The vehicle is released to the interim custody of the petitioner on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum.
2. Petitioner shall undertake to produce the said vehicle as and when directed by the court for investigation or trial purpose in the same condition as it is now.
3. The petitioner shall produce three photographs of the vehicle taken in such a manner that its make, name, colour and registration number are clear and duly attested by the petitioner and the counsel for the petitioner along with a certificate u/s. 63(4) of BSA.
4. If the petitioner intends to sell or exchange the vehicle, a permission from the court must be obtained.
5. The property section clerk shall prepare a panchanama of the vehicle.
6. The petitioner shall produce the original documents of the vehicle with duly attested copies of the same and office is directed to compare original with photocopies and return the original to the petitioner.

In the result,

CMP is allowed

Pronounced by me in the open court on the 30th day of May, 2026.

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE

//True Copy//

JUDICIAL FIRST CLASS MAGISTRATE