IN THE COURT OF THE SPECIAL JUDGE,

FAST TRACK SPECIAL COURT, TALIPARAMBA.

Present:- Smt. Anit Joseph, Special Judge, Mattannur,
(In charge of Special Judge, Taliparamba).
Thursday, the 23rd day of April, 2026/3rd Vaisakha, 1948.

CMP.No.1/2026 IN SC 23/2026
(Crime No.1108/25 of Payyannur Police Station).

Petitioner/RC Owner	Muhammed Anseer P.R., S/o. Mammutty K.P.K, Aged 38 years, residing at Jameela Cottage (House), Koodali, Kannur Dist., Kerala represented through P/A holder Rajeesh N.P., S/o. Narayanan, Aged 46 years, residing at Nagath (House), Eravattur P.O., Eravattur, Koyilandy Taluk, Kozhikode Dist.
- V/s -	
Respondent/Complainant	S.H.O, Payyannur Police Station. Rep. by the Spl.Public Prosecutor, Taliparamba.

The above petition is coming on for hearing before me in the presence of Sri. Shanid P., Advocate, for the Power of Attorney holder of Petitioner/RC owner and the Special Public Prosecutor, Taliparamba, for the State on 18.04.2026, the court passed the following:-

O R D E R

The petition is filed u/s 497 of BNSS for the interim custody of the vehicle.

2. The averments in the petition in brief are as follows:- The petitioner is the power of attorney holder of the R.C owner of the Tata Nexon XZ+ Car bearing registration No.KL-58AB-1540, seized and produced before the court in the above case. He is not a party in the case. During the investigation of the case, the Car was taken into custody alleging that it had been used by the accused to travel to the scene of occurrence to commit crime. The petitioner had no knowledge or involvement in the alleged offences committed by the accused person using the above said vehicle. Said vehicle is now lying unattended in the premises of Payyannur Police Station. If the vehicle is kept idle and unattended, exposed to sun and rain, it will get damaged. The petitioner is ready to abide by any conditions that may be imposed by the court. Hence the petition for interim release of the vehicle.

3. The Special Public Prosecutor objected the petition by filing a counter. The main objection was on the ground that the vehicle is an essential piece of evidence that must be exhibited and identified by the victim during the trial. It is a crucial link in the chain of events. Its physical production may be required to prove the mode and means by which the crime was committed and to corroborate the testimony of the victim.

4. Both sides have been heard.

5. The accused stands charged for the offences under section 3(a) r/w 4(1) of POCSO Act and Sec.137(2) of BNS 2023. The vehicle was seized and reported to the Hon'ble Addl. District and Sessions Court-1, Thalassery, on 01.12.2025. The vehicle was ordered to keep in the safe custody of the SHO concerned. The Special P.P shared an anxiety that if the vehicle is released to the petitioner, it will affect smooth trial in the case.

6. I could not find much merit in the contention of the Special P.P. Her anxieties have no significance while considering the mandate of various decisions and guidelines of the Apex Court and the Hon'ble High Court.

7. The petitioner submitted a copy of the RC and insurance certificate along with the application. The petitioner is having all original documents in his custody. It would reveal that Muhammed Anseer P.R., (the petitioner) is the R C owner of the vehicle. The trial has not yet started in the case. Tata Nexon XZ+ Car, being a mechanical device, needs ordinary warming and tuning. If the same is kept idle in the police station premises for long period, definitely, it will get damaged. In the circumstances, I do not find any reason to deny the interim custody of the vehicle to the petitioner.

8. In the result, interim custody of Tata Nexon XZ+ Car bearing registration No. KL-58-AB-1540 (Chasis No.MAT627162KLE22577, and Engine No. 1.5CRAIL01EPYW13543) is granted to the petitioner/RC owner through Power Attorney holder of the petitioner/RC owner on the following conditions;

1. The petitioner/Power of attorney holder shall execute a bond for Rs.5,00,000/- (Rupees Five lkahs only) with one solvent surety for the like amount.
2. The petitioner/Power of attorney holder shall produce the vehicle before the court as and when he is directed to do so.
3. The petitioner/Power of attorney holder shall produce the original RC before the court for perusal.
4. The petitioner/Power attorney holder shall not use the vehicle for committing any offence.
5. Petitioner/Power of attorney holder shall not alienate or tamper the vehicle until the disposal of the case or until further order.
6. Keep the vehicle in good condition.
7. The SHO shall prepare a panchanama before handing over the possession of the vehicle to the petitioner.

(Prepared by me and pronounced by me in open Court, this the 24th day of April, 2026).

(Sd/-)

ANIT JOSEPH, SPECIAL JUDGE,
FAST TRACK SPECIAL COURT, MATTANNUR,
(IN CHARGE OF SPECIAL JUDGE, TALIPARAMBA).