

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
CHAVAKKAD

Present: Sri. Rohit Nandakumar, Judicial First Class Magistrate

Dated, this the 01st day of March 2024

Crl. M.P. No. 1062/2024 in CC 1756/2022

(Crime No. 849/2022 of Pavaratty P.S.)

Petitioner : Yadukrishnan, S/o Madhusoodhanan, Valiyakkattuvilayil
house, Manjira, Chittoor, Palakkad.

(By Adv. Lidvin Francis C.)

Respondent : State-Rep. By the SHO, Pavaratty police station in Cr.
No. 849/2022 of that P.S.

(By the A.P.P.-Chavakkad)

Order : Allowed

ORDER

1. This is a petition filed by the RC owner of the vehicle bearing registration No. KL-40-G-6300 seeking interim custody of key of the said vehicle which was taken on file as PI 690/2022, involved in crime No. 849/2022 of Pavaratty police station.
2. Petitioner is the RC owner of vehicle associated with the key. The prosecution has not raised any objection in allowing this petition. It is noted from the record that the property is taken on file as PI No. 690/2022 of this Court. It is clear from the decision of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai vs State Of Gujarat : AIR 2003 SC 638 : (2002) 10 SCC 283* that the owner of an article should not suffer because of its remaining unused or by its misappropriation. In this decision it is held that the powers of 451 of Cr. P. C. should be exercised expeditiously and judiciously. It was further held that when an application is filed under section 451 of Cr.P.C., power should be exercised properly and promptly and the Magistrates should take care that the articles are not kept for long time at the police station.
3. In the case at hand, there is nothing warranting the retention of the seized Key

of vehicle in police custody. The Key shall be released to the interim custody of the petitioner subject to the following conditions.

- i. The petitioner shall execute a bond for ₹ 10,000/- with two solvent sureties each for the like sum.
- ii. The petitioner shall produce the Key before court as and when required in the same condition.
- iii. The Key shall not be used for committing any offence.
- iv. The Key shall not be transferred to any one else until further order.
- v. The photographs of the Key shall be taken at the expense of the petitioner.
- vi. The photographs shall be attested by the petitioner and the IO/SHO. The photographs duly attested by petitioner and the IO/SHO shall be kept in the file.
- vii. The photographs shall be produced with a CD of the same and also along with a certificate as specified under section 65B of the Indian Evidence Act.
- viii. Detailed proper Panchnama with respect to the key shall be prepared and kept in the file.

Pronounced in open court this the 01st day of March, 2024.

sd/-

**JUDICIAL FIRST CLASS MAGISTRATE,
CHAVAKKAD.**

//True copy//

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