

IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS,
KODUNGALLUR

Present:- Smt. Sherin.R.A., Judicial Magistrate of First Class.

Dated this the 31st day of October 2025

CMP.4034 OF 2025

(Cr.1200/2025 of Kodungallur Police Station)

Swethika, aged 26,D/o Sathyan : Petitioner
Challiyil house, Puthiyaroad
desom, Edavilangu Village,
By Adv. K.KAnsar
State/- represented by Sub : Respondent/Complainant
Inspector of Police, Kodungallur
By APP.Kodungallur

ORDER

This is a petition filed by the counsel for the petitioner under section 497 BNSS for the interim custody of the vehicle .

2. Petitioner claims that she is the owner of **Hyundai Verna Car bearing number KL 47 M 1996** involved in the above crime. During the investigation, police seized the above-mentioned vehicle as part of their investigation, produced before the court and received as P.I.725/2025. The vehicle is kept in an open space subject to all weather conditions. If the vehicle is not released to the petitioner, it will get damaged and the petitioner will suffer irreparable damages. Petitioner is ready to produce the vehicle as and when directed by the court. As petitioner being the owner of the vehicle , petitioner prays for the interim custody of the same.

3. Notice was served to the learned APP. Report seen filed by Sub Inspector of Police,Kodungallur . The Sub Inspector opposed the release of the vehicle. The offences alleged are under sections 420 r/w 34 IPC. Prosecution contention is that the vehicle is purchased using the proceeds of the crime . It is also alleged that the petitioner is the Binami of the accused. Moreover, prosecution alleges that the vehicle was used by the accused No.1 and 3 and an Advocate logo was affixed on the car.

4. Heard both sides.

5. Perused the records. Petitioner produced copies of RC and IC and

of the vehicle . As per the report, the vehicle was purchased on 10.6.2024. The crime is registered in 2025. Moreover the registration certificates of the aforementioned vehicle would clearly show that the aforementioned vehicle was purchased by hypothecation of the aforementioned vehicles with Cholamandalam INV FIN CO.LTD.

6. As per the records, petitioner is the RC owner of the vehicle. The custody as contemplated under S.497 is only of an interim custody and it would not confer any absolute title on the person to whom the custody is given. The scope of enquiry under S.497 is as to the competence of the person to keep the articles in custody so as to preserve them till the completion of the trial. Undisputedly the petitioner is the registered owner of the aforementioned vehicle. If the vehicle is released to any other person than the petitioner he could not use the vehicle and if so the vehicle will be left unused and damaged. In such circumstances the release of the vehicle to the interim custody of the petitioner can only be upon stringent conditions including insisting for bank guarantee. Hence the petition is allowed subject to the following conditions:-

- 1 The petitioner shall produce a bank guarantee equivalent to the value of the vehicle as assessed by the Assistant Executive Engineer (Mechanical) P.W.D., or by an Assistant Motor Vehicle Inspector of the Motor Vehicles Department.
- 2 The Vehicle shall not be alienated or disposed of or altered without prior permission from this court.
- 3 Vehicle shall be produced as and when directed by this court.
- 4 The petitioner shall produce the photograph of the vehicle from all angles and the same is to be duly attested by petitioner and his counsel and also submit certificate U/s.65 B of Indian Evidence Act.

- 5 Petitioner shall prepare an inventory/panchanama of the vehicle/ property and the same shall be verified by the CMO and endorse its correctness .

- The petitioner shall produce original RC book and new Insurance Certificate and Tax receipt of the vehicle . CMO is directed to
- 6 verify the original with the copy and after verification, return the original to the petitioner.
 - 7 Issue a copy of this order to the RTO concerned.

(Pronounced by me in open court this the 31st October 2025)

Judicial Magistrate of First Class, Kodungallur