

COURT OF SPECIAL MOBILE MAGISTRATE BHADERWAH

Filing No. Release/ 329
CNR No: JKBD030011452022
Regd No. 329/2022
Date of Instt 2010.2022
Date of Order: 21.10.2022

Shubam Kumar s/o Vinay Kumar Ro Berarru Tehsil Bhalla Distt. Doda.

...(Applicant)

Through: Mr. Mohd Majid Malik

V/S

...(Non-applicant)In the

U.T. of J&K through I/C P/P Bhalla.

matter of:- Application for release of vehicle bearing registration No. PB01B-3856

Present: Munish K Manhas

UID No: JK 00175

ORDER

1. Instant application is filed by Advocate Mr. **Mohd Majid Malik** in presence of applicant. Be registered. Through this application, the applicant has submitted that he is driver of the vehicle bearing registration no. PB01B-3856 which is seized by the Police of P/S Bhaderwah in an FIR and has prayed for its release. Report from the respondent was called. Received. Perused.
2. As per the content of the report the vehicle bearing registration no. PB01B-3856 has been seized in case FIR No. 161/2022 of P/P Bhalla for the commission of offence U/s 279 IPC. It further reveals that the applicant was driving the vehicle at the time of accident, hence he has the right to file this application.
3. It is well settled law that article/property seized in a case cannot be kept in police custody for a longer period as the owner/possessor will suffer the loss. Further the release arrangement once made is not even final till the conclusion of the enquiry/trial. The court is having the right to terminate the entrustment, get property back from the supurdar and entrust to somebody else whom court deems fit in appropriate case even before the conclusion of enquiry/trial.
4. Accordingly, the application of the applicant is allowed. SHO P/S Bhaderwah is directed to release the vehicle bearing registration no. PB01B-3856 seized in case FIR No. 161/2022 of P/P Bhalla for the commission of offence U/s 279/ IPC on supurdnama after its mechanical checkup, in favour of the applicant after retaining original R/C of the vehicle and production of valid Insurance Certificate of the vehicle. Supurdar shall not alienate the vehicle in any manner till disposal of the case and shall produce the same before the court and I.O as and when directed to do so. Application stands disposed off and shall be consigned to record after due completion.

Announced.

21.10.22

(Munish K Manhas)
Special Mobile Magistrate
Special Mobile Magistrate
BHADERWAH

Bhaderwah.