

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS (SUB-JUDGE) BHADARWAH

File No. 105 /Release
Filing No. Release app. 1152/2022
CNR No. JKBD030001 1602022
Regd No. 337/2022
Date of Institution: 27-10-22
Date of Decision: 28-10-22
Suresh Kumar s/o Daljeet Chand R/o Nagri Bhabra Teh. Bhadr

Applicant)

Through: Ab. Nehid Advocate.

V/s

UT of J&K through SHO/IC, Police Station/Police Post Bhadarwah(Non-applicant)

Through:- Learned APP.

In the matter of:-

Application for release of vehicle bearing registration No. DBO-1A-9852
seized by police of Police Station Bhadarwah FIR No. 169/2022 of
P/S/P/P Bhadarwah Offences U/S 279, 337 IPC IPC.

CORAM: SUMATI SHARMA
JO CODE: JK00203

ORDER

28-10-22

1. Considered the application filed on 27/10/22 in which the applicant who is alleged to be the registered owner/driver of the vehicle, has sought the release of above-mentioned vehicle on supurdnama, on the grounds mentioned in the application. Report from concerned Police Station was called and the same has been received and perused which is placed on record. I have considered the police report and also heard the applicant besides perusing the material on record. As per the police report, the vehicle in question has been seized in case FIR No. 169/2022 of P/S/P/P Bhadarwah for the commission of offences U/S 279, 337 IPC. Investigation in the matter is almost complete as reflects in the police report. No useful purpose will be served in case the vehicle is allowed to remain in the police custody. In view of the law laid down by Hon'ble Supreme Court in case A.I.R 2003 SC 638, the court has to pass appropriate orders immediately and vehicle is not to be kept for long time at police station, in any case, for not more than 15 days to one month. For the aforesaid reasons, the vehicle mentioned above is ordered to be released in favour of applicant/ driver/registered-owner of the vehicle on supurdnama against proper receipt and on the following conditions:-

- That the original D/L of the driver and original R/C of the vehicle and photocopies of all the relevant documents shall be retained by the I/O till further orders.
- That the applicant shall file an under taking that he shall not transfer or sell the vehicle and shall produce the same as and when directed.
- That mechanical examination of the vehicle shall be got conducted.
- That the vehicle is not involved or retained in any other case or FIR.
- That the vehicle shall be photographed before delivering the same to supurdar.

2. Accordingly, the application is disposed of and the same shall be consigned to records after its due compilation under rule.

Announced 28-10-22

(Sumati Sharma)
Judicial Magistrate 1st Class
(Sub-Judge) Bhadarwah