

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS
IRINJALAKUDA**

Present: **Sri. Alisha Mathew, Judicial First Class Magistrate**

Dated this, **Wednesday**, the **6th** day of **March, 2024/ 16th Phalguna, 1945 S.E.**

CrI.MP No. 1689/2024 in Cr. 84/2024 of Kodakara Police Station

Claim Petitioner	:	Amal, Aged 26/2024, S/o. Harikuttan, Pootholiparambil House, Muriyad Desom and Village, Mukundapuram Taluk. (By Adv. Sri. A.A. Biju)
Respondent	:	State-represented by the Sub Inspector of Police, Kodakara Police Station in Cr. 84/2024. (By A.P.P. Sr. Grade, Irinjalakuda)

ORDER

1. This is a petition filed u/s. 451 Cr.P.C for interim custody of 2023 model Yamaha R15S Mat Black 2 colour Motorcycle bearing Reg. No. **KL-45-X-2497** involved in Cr. 84/2024 of Kodakara Police Station for the offences u/ss. 341, 294(b), 324 of IPC.

2. Petitioner contends that he is the registered owner of the above vehicle which was stolen from him and later seized by the police as part of investigation in the above crime and received by this court as **PI:132/2024** and is kept in the police station premises. The present market value of the vehicle is ₹ 1,00,000/-. If the vehicle is kept in idle condition, it will get damaged due to rain and shine. Nobody except the petitioner has got any manner of right over the vehicle.

3. The respondent has filed a report to the petition and no serious objection is reported.

4. Heard both sides. Perused the records.

5. Petitioner is the accused in this case. He has produced the photocopy of R.C. Book and Insurance Certificate for proving his ownership over the vehicle. The prosecution has no

dispute regarding ownership of the petitioner over the property. No objection was raised by the learned APP. Hence, I find that no purpose will be served in keeping the vehicle idle in the court. Thus, the petitioner is the best entitled to get the interim custody of the vehicle pending trial. Therefore, the petition is allowed with following conditions:-

- (1) The petitioner shall execute bond for an amount ₹ 1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum.
- (2) The respondent shall prepare a detailed mahazar showing the details of the vehicle and the petitioner shall produce photographs of the vehicle in its present condition along with CD containing all images, accompanied with a certificate from the photographer under Section 65B of Evidence Act. The photographs shall be duly attested by the petitioner and the Station House Officer concerned.
- (3) The petitioner shall not alienate or transfer the above vehicle in any manner or encumber the vehicle or make any alteration thereto without the prior permission of the court and shall keep the same in good condition.
- (4) The petitioner shall produce the original R.C. Book and Insurance certificate of the vehicle and the original documents shall be returned to the petitioner after verifying with its photocopies by the Chief Ministerial Officer of the Court.
- (5) On complying the conditions, release the vehicle to the petitioner, on receipt of acknowledgment.

(Pronounced by me in open Court on this the 6th day of March, 2024.)

Sd/-
Alisha Mathew
Judicial Magistrate of First Class
Irinjalakuda