

THE COURT OF ADDITIONAL SPECIAL MOBILE MAGISTRATE UDHAMPUR

File No. 3928/2022

Date of Institution: 20-12-2022

Date of Order:-24-12-2022

CNR No. JKUDO3003928/2022

Pintu Kumar Jana S/o Paupati Jana R/o West Bengal

...Applicant

Through Adv. Vijay Salaria

Versus

U.T of J&K through P/P Roun Domail

...Non-Applcant

FIR No. 552/2022 offence U/s 279/337/304-A of IPC of P/P Roun Domail

IN THE MATTER OF:-

Application for release of vehicle bearing Registration No. 12C 096380E seized by the Non-applcant under Section 279/337/304-A of IPC in FIR NO. 552/2022.

CORAM: Bhanu Bhasin
U.I.D No. 00276

ORDER

By the motion of present application the applicant has sought the release of vehicle Bearing registration No. 12C-096380E, seized by the P/P Roun Domail interalia on the grounds mentioned in the application. In pursuance to the present application report was sought from the concerned police station and the objections from the Ld. APP were called and made part of the file.

Heard the Ld. Counsel for the applicant.

I have also gone through the application, as well as police report. There is no embargo in releasing the vehicle on supurdnama temporarily, as the temporary release of the vehicle amounts to custodia legis. If the vehicle shall remain in the custody of the police there are chances of misuse of the same. Moreover, the condition of the vehicle shall become deteriorated day by day and the owner of the vehicle shall be deprived of its use and shall suffer an irreparable loss.

Keeping in view the following law as laid down under i.e. AIR (2003) Supreme Court (638), the I/C P/P Roun Domail is directed to release the vehicle Bearing registration No. 12C-096380E seized in **FIR No. 552/2022** for the commission of offence U/s 279/337/304-A of IPC of P/P Roun Domail which is already in the possession of CO of the unit and his authority letter given to the Lt. Col. Nandini Pandey rank IC-74170Y the concerned IO is directed to release the vehicle in favour of above mentioned officer on supurdnama and after checking the proper receipt i.e authority letter after retaining the original DL of driver namely Pintu Kumar.

The supardar shall file an undertaking to produce the vehicle before the court or police, as the case may be as and when required and shall not change the nature of the same nor put the same to alienation by any mode of transfer. The applicant shall keep the vehicle in good running condition. Police shall take the photograph of the vehicle.

Accordingly, application is disposed off and consigned to record after due compilation under law.

Announced
24-12-2022

Additional Special Mobile Magistrate
UDHAMPUR

[Signature]
24/12/22