IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 3RD DAY OF APRIL 2025 / 13TH CHAITHRA, 1947

CRL.REV.PET NO. 311 OF 2025

CRIME NO.648/2024 OF MANKARA POLICE STATION, PALAKKAD

AGAINST THE ORDER DATED 28.11.2024 IN CMP NO.8452 OF 2024 OF JUDICIAL MAGISTRATE OF FIRST CLASS-II, PALAKKAD

ARISING OUT OF THE ORDER DATED 28.11.2024 IN CMP NO.8452 OF 2024 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II, PALAKKAD

REVISION PETITIONER/PETITIONER:

SHAMSEER. K.V.,
AGED 27 YEARS
S/O UMMER, KAVILA VALAPPIL HOUSE,
SHUKAPURAM, ALANKODE P.O,
KAKKIDIPURAM, MALAPPURAM.,
PIN - 679585

BY ADVS.
RIZWANA A.A.
AQIB SOHAIL P.S.

RESPONDENT/RESPONDENT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,

HIGH COURT OF KERALA,
PIN - 682031

OTHER PRESENT:

SMT.SREEJA V., SR. PP

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 03.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O R D E R

The petitioner challenges one of the conditions imposed while allowing a petition filed under Section 503 of BNSS, 2023.

2. A Tata Safari car bearing registration No.KL54 N 0812 was seized in connection with Crime No.648 of 2024 of Mankara Police Station, Palakkad for the alleged offences punishable under Sections 329(3) and 303(2) of BNS, 2023. The petitioner filed an application under Section 503 of BNSS for the release of the vehicle, alleging that he is the owner of the vehicle. The *de facto* complainant in the case raised a rival claim over the vehicle. The trial court, after hearing both sides, granted the interim custody of the vehicle to the petitioner as per the impugned order. Condition No.3 in the impugned order is that the petitioner shall produce the original documents of the vehicle for verification. The petitioner has approached this court, aggrieved by the said condition.

3. I have heard Adv.Rizwana A.A., the learned counsel for the petitioner and Smt.Sreeja V., the learned Senior Public Prosecutor.

4. The learned counsel for the petitioner submitted that when the vehicle was stolen from the custody of the petitioner, the original documents of the vehicle were also stolen. Hence, the petitioner is not in a position to produce the same. A perusal of the impugned order would show that a copy of the RC book has already been produced. That apart, the trial court, after considering the rival claims raised by the petitioner as well as the de facto complainant, found that the petitioner is the RC owner of the vehicle.

In these circumstances, I am of the view that condition No.3 is unnecessary. Hence it is lifted. The criminal revision petition is allowed.

Sd/-

DR.KAUSER EDAPPAGATH, JUDGE

AS

APPENDIX OF CRL.REV.PET 311/2025

PETITIONER ANNEXURES

ANNEXURE A1	**A TRUE COPY OF THE FIR WITH CRIME NUMBER 648/2024 DATED 26.09.2024 FROM THE MANKARA POLICE STATION IS PRODUCED.**
ANNEXURE A2	**A TRUE COPY OF THE VEHICLE PARTICULARS PRINTED ONLINE, WHICH SHOWS THAT THE REVISION PETITIONER IS THE RC OWNER, IS PRODUCED.**
ANNEXURE A3	**A TRUE COPY OF THE VALID INSURANCE POLICY OF THE VEHICLE DATED 19/08/2024, WHEREIN THE REVISION PETITIONER IS THE POLICYHOLDER, IS PRODUCED.**