

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE PULWAMA

CNR No. JKPL030022772023

Date of institution:-01-08-2023

Date of Order:- 02-08-2023

In the case of:-

Fayaz Ahmad Rather
S/o Gh. Ahmad Rather
R/o Chatergam Budgam

Applicant

Through Adv. Mudasir Raina

V/s

U.T of J & K through P/S Pulwama
Case FIR No: 188 /2023 Pulwama
U/s 379 of IPC & 3 PPD Act

Non-Applicant

Through Prosecution

In the matter of:- Application seeking release of vehicles bearing Registration No. JK04F-8984, JK04F-3019 and JK04G-2027.

Coram: Mansoor Ahmad Lone
UID No:-JK00150

ORDER

1. Through the medium of this order, I propose to dispose of the application filed by the applicant submitting therein that the non-applicant has seized the vehicles bearing Registration No's JK04F-8984, JK04F-3019 and JK04G-2027 and have retained the same in the concerned police station. That, the vehicle in question are not involved in any offence or in any unlawful activity and police concerned has seized the same without any logic or reason. That, due to the continuous retention of the said vehicle in police station, it is quite probable that its parts may become rusty. It is as such prayed that the above said vehicles may be released in favour of applicant in the interest of justice.
2. On presentation of the application, the concerned police was directed to submit report, which has been filed. Perusal of the report reveals that the vehicles bearing Registration No's JK04F-8984, JK04F-3019 and JK04G-2027 in question have been seized in case FIR No. 188 /2023 for commission of offences punishable under Section 379 of IPC & 3 PPD Act of P/S Pulwama. Perusal of the report further reveals that the seized vehicles are presently lying with police station concerned.

3. APP was directed to file objection which have been filed. In the objections it is stated that the above said vehicles are an piece of evidence in the above said case and there is every apprehension that if the said vehicles are released in favour of the registered owner he may dispose the same and may sale. That, the investigation of the case is as its initial stage and there release of said vehicles at this stage will thwart the progress of investigation. Lastly it is prayed that the application of the applicant be rejected in the interest of justice.
4. I have gone through the application, police report as well as the objections and considered the rival submissions. I am of the opinion that the vehicles in question need not to be detained for an uncertain period pending trial. The said vehicles is not required for further investigation and are likely to be damaged if kept unused in the compound of police custody.
5. Fayaz Ahmad Rather/rightful owner of the vehicles is directed to file an undertaking to the effect that he is the rightful owner of the seized vehicles and he shall not dispose off, change the colour or number of the vehicles till the conclusion of the trial. He shall also undertake that he shall produce the said vehicles as and when directed to do so by the court or by the I/O. The rightful owner has filed the said undertaking same is taken on record.
6. As such, SHO P/S Pulwama is directed to release the vehicles bearing Registration No's JK04F-8984, JK04F-3019 and JK04G-2027 seized in case FIR No. 188 /2023 in favour rightful owner of the vehicles namely Fayaz Ahmad Rather S/o Gh. Ahmad Rather R/o Chattergam Budgam on Superdnama after retaining the R/C's in original of the said vehicles provided the same are not required in some other case. The IO shall also retain its two photographs showing their number from front and behind.
7. This application is disposed of and file shall be consigned to records after its due compilation under rules.

Announced
02-08-2023

Chief Judicial Magistrate
Pulwama