



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 13337 OF 2025 (GM-RES)

BETWEEN:

SRI SUMAN N.P.,
S/O LATE N. S. PRASAD,
AGED ABOUT 40 YEARS,
RESIDING AT NO. 36, 7TH B MAIN,
4TH BLOCK, JAYANAGAR,
BENGALURU – 560 011.

...PETITIONER

(BY SRI VINAYAK KULKARNI, ADVOCATE)

AND:

STATE OF KARNATAKA
INSPECTOR OF POLICE
JAYANAGAR POLICE STATION,
BENGALURU CITY POLICE,
REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 010.

...RESPONDENT

(BY SRI B.N.JAGADEESHA, ADDL.SPP)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA READ WITH SECTION 528 OF
BNSS, 2023 PRAYING TO 1. ISSUE WRIT OF CERTIORARI OR





ANY OTHER WRIT BY SETTING ASIDE THE ORDER PASSED IN RESPECT OF THE MAXI CAB URBANA CAR BEARING NO.KA-05-AN-3469, CHASSIS NO. MC1M4CKA8RP000194 AND ENGINE NO. D71041197 IN CRL. RP.NO. 610/2024 DATED. 19.04.2025 BY THE HON'BLE LVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU VIDE ANNEXURE-A; 2.ISSUE SUCH OTHER ORDER OR DIRECTION THIS HON'BLE COURT DEEMS FIT TO GRANT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE; 3. ISSUE WRIT OF CERTIORARI OR ANY OTHER WRIT BY SETTING ASIDE THE ORDER PASSED IN RESPECT OF THE MAXI CAB URBANA CAR BEARING NO.KA-05-AN-3469, IN CR.NO.116/2025 DATED 18/12/2024 BY THE HON'BLE II ADDITIONAL METROPOLITAN MAGISTRATE, BANGALORE PRODUCED ALONG WITH MEMO DATED 25.11.2025.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner is before the Court seeking the following prayers:



- “1. Issue writ of certiorari or any other writ by setting aside the order passed in respect of the Maxi Cab Urbana car bearing No.KA-05-AN-3469, Chassis No. MC1M4CKA8RP000194 and Engine No. d71041197 in CRL. RP.No. 610/2024 dated. 19.04.2025 by the Hon’ble LVI Additional City Civil and Sessions Judge, Bengaluru vide Annexure-A;
2. Issue such other order or direction this Hon’ble Court deems fit to grant in the facts and circumstances of the case, in the interest of justice;
3. Issue Writ of Certiorari or any other writ by setting aside the order passed in respect of the Maxi Cab Urbana car bearing No.KA-05-AN-3469, in CR.No.116/2025 dated 18/12/2024 by the Hon’ble II Additional Metropolitan Magistrate, Bangalore produced along with memo dated 25.11.2025. ”

2. Heard Sri Vinayak Kulkarni, learned counsel appearing for the petitioner and Sri B N Jagadeesha, learned Additional State Public Prosecutor appearing for the respondent.

3. The petitioner gets embroiled in a crime in Crime No.116 of 2024 on a complaint registered on 26-03-2024. The subject crime and all further investigation comes to be stayed at the hands of the co-ordinate bench of this Court in Crl.P.No.3677 of 2025. The petitioner by then had preferred an application under Sections 451 and 457 of the CrPC seeking release of the vehicle that was seized at the hands of the respondent police and a PF is drawn. The concerned Court



rejects the application filed by the petitioner, against which revision was preferred. The revisional Court has dismissed the petition filed by the petitioner. Being aggrieved, the petitioner is before this Court seeking release of his vehicle.

4. The learned counsel for petitioner submits that the vehicle is rotting before the police and would be of no use either to the petitioner or the prosecution at a later point in time. He would submit that any conditions be imposed for the release of the vehicle, so that it could be put to use and he would undertake to produce the same as and when required in the case, in the same condition that it was at the time when it was seized by the police.

5. Learned Additional State Public Prosecutor though would put up vehement opposition, but would submit that adequate security be granted and the vehicle be released in favour of the petitioner.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.



7. The afore-narrated facts are not in dispute. The issue for now lies in a narrow compass as to whether, the order of the concerned Court which rejects the release of a Maxi Cab Urbana car requires interference and whether it has to be released in favour of the petitioner. The petitioner, as against rejection of his application filed under Sections 451 and 457 of the Cr.P.C., prefers a revision before the Sessions Court. The Revisional Court rejects the revision by the following order:

"....

:REASONS:

7. **Point Nos.1 and 2:-** Since these two points are interconnected they are taken up together for discussion to avoid repetition. On perusing the records, it reveal that the respondent police have registered the case against the accused in Cr.No.116/2024 for the offences punishable under sections 419, 420, 467, 468, 471 r/w 34 of IPC. The revision petitioner is shown as accused No.1 in the FIR. The complainant has alleged in the complaint that he was in search of a land in Bengaluru and he came in contact with the accused. They informed him that the house property bearing No.36 situated at 7th B Cross, 4th Block, Jayanagar, Bengaluru belonged to one Zakaria is for sale and then he had agreed to purchase the same. Thereafter, a registered sale agreement was executed and he paid a sum of Rs.75,00,000/- Later, he came to know that the original owner is staying at America and by creating fake documents and by impersonation sale agreement has been executed.



8. The respondent police have seized the vehicle Maxi Cab Urbana Car bearing Reg. No.KA-05-AN-3469 under P.F.No.73/2024. The petitioner had filed an application under section 451 and 457 of Cr.P.C. for release of the said vehicle. The said application is rejected by the trial court on the ground that since the vehicle is purchased out of the money received by cheating the complainant and that it is required during trial for identification.

9. Against the said order, this revision petition is filed contending that the learned Magistrate has not properly appreciated the materials available on record. During the course of the arguments, the learned Counsel for the petitioner argued that the vehicle in question is purchased by the revision petitioner. He has paid the amount and it is a brand new vehicle. It is not purchased out of the amount belonged to the complainant. The vehicle is lying in the police station for a long time, it will deteriorate. It is required for day to day use of the petitioner. He has also produced documents regarding payments made for purchase of the said vehicle. He further argued that it is the petitioner who has paid Rs.32,48,000/- towards the stamp duty of the sale deed dated 22.11.2023 executed in favour of the complainant. He has also produced the copy of the sale deed and also bank statement to prove the same. Hence, prayed to set aside the order of the trial court.

10. On the other hand, the learned Public Prosecutor argued that the petitioner is the accused No.1 in the case. There are prima facie materials against the petitioner regarding commission of alleged offences. Though, the owner of the property is residing at America by impersonation sale agreement has been executed and the complainant has been cheated. Huge amount is received by the accused from the complainant and fraud has been committed. Out of the amount received from complainant, the car sought to be released has been purchased by the petitioner. The investigation made so far clearly reveal the said fact. Since the vehicle is purchased from the amount of the complainant, it cannot be given to the interim custody of the petitioner. Hence, prayed to dismiss the petition.



11. I have perused the materials on record. The complainant has lodged the complaint that the accused informed him that the house property bearing No.36 situated at 7th B Cross, 4th Block, Jayanagar, Bengaluru belonged to one Zakaria is for sale. Thereafter, a registered sale agreement was executed and he paid a sum of Rs.75,00,000/- Later, he came to know that the original owner is staying at America and by creating fake documents and by impersonation sale agreement has been executed. The prosecution is alleging that the Maxi Cab Urbana Car bearing Reg. No.KA-05-AN-3469 under P.F.No.73/2024 is purchased by the revision petitioner out of the amount received in respect of the said sale transaction. The revision petitioner is the accused No.1 in the case. The investigation is not yet completed in this case. The I.O. has stated in his report filed along with the objection of prosecution that it is revealed during the investigation that the vehicle is purchased out of the money received from the complainant. As such, till the completion of the investigation. This court cannot decide as to whether the vehicle is purchased by the petitioner or out of the amount allegedly received during the sale transaction mentioned in the complaint. Hence, it is not just and proper to release the vehicle to the interim custody of the revision petitioner. The trial court has also dismissed the application filed by the petitioner on the said ground. The petitioner can move a fresh application before the trial court after completion of investigation and filing of final report. The order of the trial court is neither arbitrary or perverse. The same is also not illegal or improper. The trial court has properly appreciated the materials on record and has rightly dismissed the application filed by the petitioner. There are no grounds to interfere with the order of the trial court. Hence, I answer **Points No.1 and 2 in the Negative.**

12. **POINT No.3:** In view of the finding on point No.1 and 2 above, I proceed to pass the following:

: ORDER:

The Criminal Revision Petition filed by the petitioner under Sec. 397 of Cr.P.C. is hereby dismissed.



Office to send a copy of this order to the trial court."

The vehicle that is seized is lying before the jurisdictional police and is rotting in the said place for the last 18 months. It is not put into use. It would neither be useful to the petitioner nor to the prosecution at a later point in time, due to the damage that would be caused by stagnating.

8. The Apex Court, in identical circumstances, in the case of **PERICHI GOUNDER Vs. TAMIL NADU STATE** in Special Leave to Appeal (Crl.) No(s).7262/2023 dated 10.07.2024, has held as follows:

"....

6. Keeping a vehicle like a Tipper Lorry idle is not serving anybody's interest. It is resulting in damage to the stationary vehicle which is kept within the Magistrate Court complex. Public spaced is also occupied.

7. Considering the above, we deem it appropriate to order for release of the TATA Tipper Lorry vehicle with registration No.TN 29BF 4914. The release will be however be subject to the petitioner (registered owner) furnishing a bond of Rs.5,00,000/- (Rupees five lakhs only) to the satisfaction of the Trial Court with an undertaking that the vehicle would be produced before the Court as and when required. The owner of the vehicle should not also create any third party right for the vehicle in question."



The Apex Court, in the afore-extracted judgment, has directed that released vehicles which are kept seized would occupy public space and the utility of vehicle would completely vanish, it is of no use either to the owner of the vehicle or to the State and therefore, has directed release of such vehicles. In that light, I deem it appropriate to allow the petition and direct release the vehicle of the petitioner on certain conditions.

9. For the aforesaid reasons, the following:

ORDER

- (i) The Writ Petition is **allowed**.
- (ii) The order dated 19-04-2025 in CrI.R.P.No.610 of 2024 passed by the LVI Additional City Civil and Sessions Judge, Bengaluru is set-aside.
- (iii) The vehicle be released into the interim custody of the petitioner within one week from the date of receipt of a copy of this order, subject to the following conditions:



- (a) Petitioner shall execute an indemnity bond for the value estimated under the PF, so also furnish one surety for the said amount to the satisfaction of the concerned Court.
- (b) Petitioner shall not change the colour and number of the said vehicle.
- (c) The colour photograph of the said vehicle is to be taken from different angles and should be produced before the concerned Court.
- (d) The petitioner shall not transfer the vehicle in any manner in favour of anybody till conclusion of the proceedings.
- (e) The petitioner shall produce the vehicle before the confiscation authority or before the concerned Court as and when directed.



Consequently, I.A.No.1 of 2026 also stands disposed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

BKP
List No.: 2 Sl No.: 40