



गृह मंत्रालय
MINISTRY OF
HOME AFFAIRS



**Project Report
on
Malkhana Management System**

(Project No.06/MM:04)

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1.0 Introduction/Background

Originating from the twin Persian words '*Mal*' (property) and '*Khana*' (space), the word *Malkhana*, in context of the police station specifies the designated place to store the property seized by the police during the course of investigation under Bharatiya Nagarik Suraksha Sanhita, 2023 earlier Criminal Procedure Code, 1973 (Cr.PC) and various Special and Local Laws or collected during a preliminary inquiry, for safe custody and producing before the concerned Magistrate/Court, as and when required.

2.0 Overview

The evidence/seized property is vital to the criminal justice process. The effective and efficient management of evidence gathered is integral to a law enforcement agency's quality of service to the criminal justice system. The failure to manage the evidence/ seized property can affect the successful prosecution of criminal cases, resulting in law enforcement agency liability and loss of public confidence. The incidents of theft, replacement, pilferage, embezzlement and destruction of the seized property on account of the wholly unsatisfactory and unscientific methods of storage taint reputation of law enforcement agencies. At times, explosions have occurred due to unscientific storage of explosives at Malkhana.

2.1 Project Title

Malkhana Management System

2.2 Vision

Efficient management of Malkhana at Police Station Level

2.3 Project Objective

Malkhana Management System envisages maintaining proper Chain of Custody, safe & secure storage of seized/ gathered evidences and timely disposal in accordance with law.

3.0 The Project

3.1 Purpose of the Project

The management of Malkhana at the Police Stations has become increasingly complex due to several factors like, large volume of evidence being collected, absence of adequate space and safe storage systems, exacting statutory requirements (especially where deterrent punishments are prescribed), the protection and preservation of biological/ DNA-related material, and lack of training of personnel posted at Malkhana. The significance of Malkhana can be summarized as follows:

- A. **Chain of Custody:** The possession, time and date of transfer, and location of evidence from the time it is obtained to the time it is presented in the Court is called the "chain of custody". The same has to be proved beyond reasonable doubt by unimpeachable evidence, to make it admissible in the court of law. The appropriate management of *Malkhana* facilitates the maintenance of chain of custody. The articles seized by the police are deposited in the *Malkhana*, thereafter, as and when required, same are retrieved from *Malkhana* through proper entry in the registers and records maintained at *Malkhana*. Quite often, Malkhana Registers are called for during trial to prove proper chain of custody or otherwise.
- B. **Safety and Security of Seized Articles:** Safety and security of the seized articles is of prime importance as these properties are deemed to be held in the custody of the State. In *Smt. Basawa Kom Dyanmangouda Patil V. State of Mysore and Another*, [1977] 4 SCC 358, The Hon^{ble} Supreme Court observed that where the property is stolen, lost or destroyed and there is no *prima facie* defence made out that the State or its officers had taken due care and caution to protect the property, the Magistrate may, in an appropriate case, where the ends of justice so require, order payment of the value of the property. Thus, keeping the articles in *Malkhana* in an appropriate manner, by way of recording and cataloguing, and their preservation becomes the duty. Storing and preserving biological evidence has been a cause of concern all along. Storing digital evidence in the *Malkhana* in a clean environment and at an appropriate temperature, is the new challenge.

C. Quick/timely disposal: After the final disposal of the case or at any time when directed by the concerned court, the items are required to be disposed either by way of returning the same to the owner or in any other matter as specified. The seized property, especially Motor Vehicles, occupying substantial space in Police Stations is a common sight. They are parked in the open and are also prone to fast natural decay on account of weather conditions as well as thefts. The Hon^{ble} Supreme Court of India in *Sunderbahai Ambalal Desai V. State of Gujarat* (2002) 10 Scc 283, has observed that “even good maintained vehicles lose their road worthiness if kept stationary in the PS for a long time. Upon being kept in open, they are also prone to fast and natural decay..... In any case, SHOs shall deposit case property in the concerned Courts within a week of their seizure and the Courts shall dispose them within a month...”. Similarly, in *General Insurance Council and others v/s The State of AP and others* (Write Petition [C] No. 14 of 2008), the Hon^{ble} Supreme Court directed all the State Governments/Union Territories/ Director Generals of Police to ensure macro implementations of the statutory provisions. Andhra Pradesh Police has done a commendable job in this regard. The details are discussed later in this report.

3.2 Sponsor

Respective State/UT Government

3.3 Financial Benefits

The efficient Management of Malkhana will certainly save the burden on Government exchequer as a result of saving of space/value of items/timely justice etc., quantum of which depends on the type of item kept in Malkhana.

4.0 Situational Assessment and Problem Statement

Directions of Hon^{ble} Apex Court w.r.t. Seizure and disposal of NDPS:

Section 55 of the Narcotic Drugs and Psychotropic and Controlled Substance (NDPS) Act envisages is that the officer in charge of a Police Station shall take charge of and keep in safe custody the seized article pending orders of the Magistrate concerned. Section 52-A (1) of the NDPS Act, 1985 empowers the Central Government to

prescribe by a notification the procedure to be followed for seizure, storage and disposal of drugs and psychotropic substances. Section III of Standing Order No. 1/89 dated 13th June, 1989 issued by the Central Government *inter alia* provides that all drugs shall invariably be stored in “safes and vaults” provided with double locking system and that the agencies of the Central and the State Governments may specifically designate their godowns for storage purposes and such godowns should be selected keeping in view their security angle, juxtaposition to courts etc. Expressing dissatisfaction that systems are not in place even after 26 years, the Hon^{ble} Supreme Court of India in Crl. Appeal No. 652 of 2012 (Union of India Vs Mohanlal and another) dated January 28, 2016 directed the Central Government and the State Governments to set up storage facilities (in each district or for several districts together, as per the need) for the exclusive storage of seized NDPS and conveyances duly equipped with vaults and double locking system to prevent theft, pilferage or replacement of the seized drugs.

5.0 Critical Assumptions and Constraints

While no over-whelming obstacles can be visualized *per se*, (a) lack of space at the police station level and (b) absence of immediate financial resources for initiatives like compactors to store the items/ use of RFID Tags, may be constraints. However, as Malkhana preserves the evidence and plays crucial role in Criminal Justice System, priority is to be given to such measures, so as to overcome the constraints.

6.0 Implementation Strategy

6.1. Implementation Strategy

To achieve the above objectives of ensuring chain of custody, safe, secure and scientific storage and timely disposal, several police formations across India have experimented and innovated with diverse aspects of *Malkhana* Management, including, its maintenance, workflow, documentation and formulation of Standard Operating Procedures. Here, some of these good practices adopted in the Central Bureau of Investigation (CBI), Andhra Pradesh Police, Delhi Police and Kerala Police are discussed in para 6.4.

6.2 Deliverables

Uniform type design for Malkhana at Police Station on pan India basis.

6.3 Stakeholders

Though Malkhanas are housed In Police Stations, Police is only custodian of evidence till trial. Malkhanas house seized/collected evidence that belong to common people or Government. To sum up Police/ Law Enforcement Organisation, Criminal Courts, Government and People are the stakeholders.

6.4 Related Projects

A. Central Bureau of Investigation (CBI)

- i. ***Malkhana* Space and Storage Systems:** Each CBI Branch has a secure and dedicated Room for *Malkhana*. The same is equipped with two Godrej Compact Storage Systems. This Compact Storage System consists of compactors, which are very useful in keeping voluminous records on the limited floor area and because of its restricted access, it is free from dust or pest problems. Modular Construction and Proper Labelling make it easy to locate the case properties. Fire extinguisher is provided for *Malkhana*. Rodent control treatment is done every 20 days.
- ii. **Records of seized property/ documents/ MOs deposited in *Malkhana*:** Chapter 13 of CBI (Crime) Manual, 2005 stipulates the procedure to be adopted with regard to Seized and collected evidence, As soon as any property is seized, the Investigating Officer hands over the property along with a copy of the seizure memo to the Officer-in-charge of the *Malkhana* who makes an entry in the *Malkhana* Seized Property Register and accordingly the documents are paginated and MOs are numbered. Two more copies of the Seizure Memos are prepared and the details of numbering made is mentioned in these copies and one copy is given to the IO and one copy is retained in *Malkhana* records. Box files are maintained for keeping copies of Seizure Memos. Case properties are neatly arranged and kept in boxes or wrapped in cloth before storing them in the compactors year wise. Trap Bottles are numbered and packed properly in boxes and kept with due care in the compactors which are placed adjacent to the walls as they are fixed.

- iii. **Valuable Property:** The Trap Money and valuable items like Jewellery etc. are kept in Safe Vault available in *Malkhana*. The same is operated in the presence of the authorized officers by making proper entries in Vault Operation Register for opening and closing of Safe Vault. A „Valuable Properties Register“ is maintained for updating the records of Trap Money and other valuable items like jewellery, etc. and it is updated as and when the Safe Vault is operated and put up to SP’s perusal every month. The jewellery is generally shifted to Bank Locker as soon as possible. In case of seized money (not the trap amount), initially it is deposited in the safe vault. Thereafter, the same is deposited in the Current Account maintained in Nationalised Bank with the approval of HOB and after taking permission of the Court and the entries are updated in the „Bank Account Register“ maintained in *Malkhana*. The statement of Account is taken every month. Both are put up to Head of the Branch’s perusal every month. At times, on the orders of the Court, the seized amount is also put in FDs and entries are updated in the „FD Register“ maintained in *Malkhana*. FD Receipts are also kept in *Malkhana* Safe Vault.
- iv. **Issue of documents to the IOs for the purpose of Investigation:** Once the documents/properties are deposited in the *Malkhana* any further movement of the same are recorded in Temporary Issue Register, which is maintained case wise. It consists of the details regarding date of issue, no of documents issued, MR No., purpose issued for (like GEQD examination, investigation, witness examination/ interrogation of accused, filing charge sheet etc.), Date of return, items returned, not returned, signature of the IO. From this register, the details of number of documents remaining in the *Malkhana* in a particular case can be culled out.
- v. **Return of Un-relied Upon Documents:** On completion of the investigation and filing of the charge sheet, Un-relied upon documents are returned to the concerned parties with the approval of HOB and after taking permission of the Court, under proper acknowledgement letter and acknowledgement is also taken in the „Under Trial Disposal Register“. Box files are maintained for safe keeping of all the related

correspondence.

- vi. **Inspection of the *Malkhana*:** Senior Officers and Law Officers inspect *Malkhana* regularly. Paragraph 7.13.16 of the CBI (Crime) Manual 2005, stipulates that the Inspection of *Malkhana* is to be conducted by Senior Public Prosecutor of the branch every three months and Inspection Report shall be submitted to Deputy Legal Advisor. Further, the Head of the Branch also conducts annual inspection of the *Malkhana* and submits report to Joint Director.
 - vii. ***Malkhana* Management Module of CBI Core Application:** An effective *Malkhana* Management System must perspicuously capture the entire chain of work flow associated with the *Malkhana*. The chain starts from the point when a particular property lands-up with the police authority and culminates in its final disposal based on orders of the competent court. In this backdrop of the work flow involved in up-keep of a *Malkhana*, a comprehensive *Malkhana* Management System is being developed by CBI. The detailed Workflow is presented in ***Annexure A***.
- B. Andhra Pradesh Police:** The Andhra Pradesh Police has taken the initiative of formulating an SOP (Standard Operating Procedure) for disposal of properties lying in the Police Stations. Crime Investigation Department, Andhra Pradesh prepared the SOP which covers the entire spectrum of scenarios and issues that can arise relating to the disposal of *Malkhana* Property, including Under Investigation, Pending Trial, 102 BNSS earlier Cr.PC cases. Detailed proformae and drafts of the proposals, which had been successfully moved before the different judicial authorities, had also contained in the compendium. The compendium is at Annexure B (separately enclosed). Secondly, AP Police developed a software application based on Quick Response Code to tag seized vehicles parked at Police Stations and ensure speedy disposal by regular tracking and monitoring. The same is discussed later in this report.

- C. Kerala Police:** Kerala Police has introduced the practice of collecting all the *seized* motor vehicles at one place to ensure effective monitoring and timely disposal. Such centralized yard helps in proper storage.

Besides, the citizen searching for the lost vehicle needs to check at one place, rather than visiting all the Police Stations. The vehicles seized in criminal cases, cases under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 (KPRRB Act), Mines and Minerals (Development And Regulation) Act, 1957 (MMDR Act), Excise Act, other Special and Local laws as well as unclaimed vehicles used to be dumped in or around the police station for long period, for want of disposal orders from the concerned courts or District Collector or Asst. Excise Commissioner. A Circular dated 9.5.2013 issued by the Additional Director General of Police (Intelligence) issued directions on various aspects of seized vehicles. Vehicle Yards have been created in the recent times by the District SP at one or more places at Police land or at Revenue land in the districts for the parking of the vehicles till that time. A Guard is posted for the safety of the Yard. On a public interest litigation in WP(C) No.26277/14, the High Court have ordered State Government to take steps to start Vehicle Yards in every Police Circle Headquarters for parking the seized vehicles. Recently, the State Government directed DGP to identify suitable Revenue land or Private land to be used as parking yard under the Jurisdiction of each Police Circle Office and forward detailed proposal including financial commitment involved therein to Government.

6.5 Work Plan

1. Proper identification of the seized property:

Proper identification constitutes the bedrock for up-keep and timely disposal of Malkhana items. Once stored in the Malkhana, the items have to frequently move in and out during the trial. In many instances, the courts are located far away from Malkhana. An effective identification system must help in tracking the entire sequence of movement of the Malkhana items from the time

they are procured from the Malkhana to the time when they are deposited back. At all stages of Malkhana Management, unique, resilient, error-free and convenient identification of the item is of primary importance.

2. Automated Identification and Data Capture Technologies:

The first technology relates to **Bar Coding**, wherein a uniquely coded sticker is attached to the item which can be read through a barcode reader. A barcode is an optical machine-readable representation of data about an object. One of the most commonly used forms of barcode is the Universal Product Code (UPC). It is cost effective and easy to adopt. There are two types of barcodes, linear or one-dimensional and 2D. Linear barcodes are composed of bars and spaces all in a single line. Linear barcodes cannot store much data. They can typically store nine data characters for every inch of horizontal barcode space. 2D barcodes consist of black and white "cells" or modules arranged in either a square or rectangular grid on a white background. The information to be encoded can be text or raw data. Unlike linear barcodes, 2D barcodes can store up to 2 kilobytes of data. A **Quick Response Code** is an example of a 2-D Bar-code. It is a bit costlier compared to Bar Coding, but there are several advantages. Andhra Pradesh has been using it successfully. Initially, a simple web application at a low cost of Rs. 70,000/- was developed to enable capturing of information related to seized/unclaimed vehicles at the Police stations across the 92 sub-Divisions in AP, after tagging each one of them with QR stickers. After tagging, it is revealed that over 22,000 vehicles were in custody either related to crime, or abandoned, or unclaimed by owner. As many as 11,883 of these have been disposed already (5170 by auctioning with permission of judicial and executive magistrate and the rest have been returned to the rightful owner). The details are at **Annexure C**. The third technology is the RFID (**Radio-Frequency Identification**) which involves the use of electromagnetic fields to automatically identify and track tags attached to objects. The RFID tags are of three types:

- i. Active tags: Here the RFID tag attached to the object, carries its own power supply. Their life cycle is typically between one to three years.
- ii. Passive tags: Passive RFID tags do not have their own power supply and energy required to communicate is provided by the radiation received from the RFID reader. These tags have a virtually unlimited life

expectancy.

- iii. Semi-Active tags: These tags carry their own power supply, but remain active only while receiving or transmitting data and have a life expectancy of three to five years.

The following table compares the three systems:

Attribute	Barcode	QR code	RFID
Line of Sight	Required	Required	Not required (as long as tags are in read range)
Read Range	Several inches to feet	Several inches to feet	Passive RFID -Up to 30 feet Active RFID -Up to 100s feet
Read Rate	Slow throughput, labels have to be read one at a time	Slow throughput, labels have to be read one at a time	Very High throughput, reads several hundreds of labels in seconds
Identification	Most barcode only identify only type of item (not uniquely)	QR code can identify each item uniquely (Limited up to certain value)	It can uniquely identify each item
Read/Write	Only read	Only read	Read Write
Technology used	Optical (laser)	Optical (laser)	RF(Radio frequency)
Automation	Most barcode Scanners need humans to operate	QR scanners need humans to operate	Fixed scanners don't need human intervention
Updating	Cannot be Updated	Cannot be Updated	New information can be written on old tag
Tracking	Manual tracking	Manual tracking	No need of tracking

Attribute	Barcode	QR code	RFID
	required	Required	
Information Capacity	Very less	Less	More than QR and Barcode
Ruggedness	No	No	Yes
Reliability	Wrinkled and smeared tags won't work	Wrinkled tags may work 30% data recoverable	Nearly flawless read rate
Data capacity	<20 characters with linear	up to 7,089 characters	100s to 1000 characters
Orientation Dependent	Yes	No	No
Marginal Cost	Low	Low	High

A comparative analysis of the aforementioned three technologies reveals that bar coding and QR coding started with the distinct advantage of being cost effective. Yet, as the technology improved and became more accessible, the cost of RFID tags and readers has come down substantially. For instance, the cost of RFID tags has come down from 26.8 INR in 2005 to about 6.70 INR presently. The RFID affords an opportunity to “proactively” track an item when it passes from near the scanner, unlike the bar coding and the QR coding, where the item has to be physically juxtaposed against the scanner. The RFID scanner placed at the entry point in the Malkhana and at a convenient place in the court can capture the entire movement of the case property. With QR codes becoming increasingly mobile friendly, RFID addresses the security concerns associated with Malkhana items in a better fashion as they can be read only by a specific RFID reader. Moreover, the RFID tags can be conveniently and securely attached to the items, unlike the barcode stickers which are susceptible to damage and peeling-off.

However, before RFID technology is introduced, there is an urgent need to standardise the packaging of evidence and the envelopes/ containers. Once the standards are in place, RFID vendors and system integrators can engineer and tailor solutions for specific evidence handling processes. Without standards, it is

difficult to realise the true value of RFID technology, as the envelopes/containers remain vulnerable to tampering/contamination.

3. Security of Malkhana Property: Certain types of evidence require heightened security. It is recognized that cash/valuable property, fire arms, and narcotics fit into this category. As such, these items should always be separately vaulted within the secure area of the property room. One strategy is to employ double key vaults and another strategy is the use of motion-activated video cameras within the *Malkhana* as well as within the firearms, narcotics, and Cash/FDR/Jewellery vault. Such video serves as both a deterrent to staff theft, but also has evidentiary value should a theft occur.

4. Security of Electronic Gadgets: A large number of electronic gadgets like mobile phones, laptops etc, which have huge evidentiary value, are seized and stored in the Malkhana. There is a likely hood of damaging the electronic items by use of high intensity magnetic field devices. Therefore, material used for Malkhana building as well as for packaging of such electronic items should provide safeguard to such items from magnetic damage

7. Conclusions:

- a) The Paper/ Plastic envelopes/ containers containing the seized property should be labelled with, description of item, Case number, Date of seizure, Place from where seized, Name of the IO who seized the item and quantity of the item etc. Compactors may be used to ensure safe and orderly storage of Malkhana Property. It may contain a table on it to record the change in custody/movement of the property. Bar Coding/ QR Code/ RFID Tags may be used to identify and track the item.
- b) For the quick and timely disposal of vehicles, SOP and QR Coding (for property identification and networking system) developed by Andhra Pradesh Police is recommended. In big cities, Centralized Vehicle Yards may be set up as proposed by Kerala Police.
- c) With respect of NDPS, the Narcotics Control Bureau and other law enforcement agencies should immediately create separate exclusive storage as

per the direction of Hon^{ble} Apex Court. Besides, it is also suggested that RFID tagging system should be applied.

- d) For biological evidence also, a separate refrigerated storage should be ensured at Police Stations. The electronic evidence also require specific storage area. Each Malkhana should ensure storing the digital evidence in electrostatic bags with label and tagging should be done.
- e) Though Police Manuals/Police Regulations contain detailed instructions, there is an urgent requirement to revisit them in the light of changes in Laws, Forensics/Technology, and judicial pronouncements with a view to frame a written policy and bring out procedural manual. Specific training should be provided to the Malkhana in charge and other officials in this respect.
- f) Surveillance cameras/motion activated cameras at Malkhana/Vaults should be operated on a 24-hour basis.

Post Script: Technology alone can't prevent theft, embezzlement, pilferage or replacement, intentional contamination of the seized property/evidence. Regular and periodic Inspections and strict compliance to written policies and SOPs is essential

Annexure-A

Malkhana Management System Module of CBI Core Application:

The proposed Malkhana Management System, comprises of the following components:

1. Use of Compactors for keeping records, documents and small articles.
2. Thematic segregation of articles and documents to be carried out on the basis of case number, size of articles, etc.
3. Creation of a database for indexing of Malkhana articles /documents, using a customized and user- friendly software. (Development is under way)
4. Identification of articles/documents through tagging, using RFID tags. (Pilot is proposed at Mumbai CBI Branches)

A. Documentation

Across various police and law enforcement formations in India, the documentation involved in the maintenance of the Malkhana includes:

1. Malkhana Register Or Seized Property Register
2. Case Index Register
3. Temporary Issue Register
4. Closed Case Register
5. Seized Arms Register
6. Official Arms Register
7. Locker Register
8. Seized Cash Register/ Cash book
9. Seizure Memo File
10. Correspondence File
11. Office Order File
12. Bank Account File
13. Disposal File
14. GEQD /FSL File

[Note: Case file comes to Malkhana when the court order for disposal of items is forwarded by the higher authorities down to the Malkhana Incharge]

B. Obtaining/Seizure of items

1. Any document or material thing can be taken into possession in either of the following ways:
 - a) Issue a written order to the person in whose possession or power such document or thing is believed to be, for its production under Section 94 BNSS earlier 91 Cr.P.C.
 - b) Search and Seizure
 - c) Handing over / Taking over
 - d) Dak
 - e) Sec 25 Police Act Unclaimed Property/Lost & Found
 - f) Any seized property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence (106 BNSS earlier 102 Cr.PC).
 - g) Court can hand over certain objects/documents for analysis.
2. (A) A search list/seizure memo is prepared by the IO on the spot, indicating the proceedings of the search and the list of documents and articles seized during the search in the presence of independent witnesses. This process is undertaken as per the provisions of section 96 BNSS earlier 93 Cr.PC or section 185 BNSS earlier 165 Cr.P.C.

OR

(B) A recovery memo is prepared by the IO on the spot during the course of investigation, if the items are taken into possession without formal search

(C) This may also include proceedings pursuant to recovery of materials on disclosure by accused person as discussed u/s 23(2) of BSA 2023 earlier 27 of IEA.

C. Submission of seized items:

1. IO deposits the seized items in the Malkhana along with a copy of seizure memo (Production Memo/ Handing over Memo/Taking over Memo / Panchnamas/ Search List 7 Recovery Memo).

2. Malkhana Incharge makes an entry in the Seized Property Register. Seizure of cash (including trap money), jewellery and other valuables will also be entered in this register. A unique Malkhana number known as Malkhana Receipt No, is assigned to each item.
3. Malkhana Incharge makes an entry in the Case Index Register for the purpose of locating the various items concerned in a particular case. This register will contain the information such as case no., name and address of accused, MR no., name of IO, particulars of almirahs or racks where the documents are kept, etc.
4. The copy of seizure memo/taking over memo/ dak letter cover, submitted by the IO, will be placed in the Seizure Memo file.
5. The Malkhana Incharge gives the acknowledgment of the received items along with the Malkhana no. to the concerned IO.
6. All money and valuables will be deposited with the Malkhana by the Investigating Officer in the first instance in sealed covers and will be entered in the Malkhana Register by the Malkhana Incharge. The details of the cash seized and deposited in the Malkhana is required to be maintained in a Seized Cash register. This register contains the details of the cash received as sealed, as trap money, unsealed, etc.
7. Valuable jewellery and cash (other than trap money) may be kept either in locker of some Nationalized Bank or in the current account of the Nationalized bank, operated in the name of the Branch/Joint A/c holders, depending on whether the identity of the cash has to be established or not. As the trap money notes are legally very important and have to be preserved till the end of the case, the same shall be treated as an item unlike other cash items. This will be kept in the Nationalised Bank's locker and the same will be produced as evidence in the court against the accused. The relevant entries will be made in the Malkhana Register by the Malkhana Incharge. Copies of the monthly Bank statements and fixed deposits made, if any, as per Court orders, will be placed in the Bank Account File. The relevant entries shall also be made in the Locker Register for the items kept in the locker of the Branch in the Bank.

[Note: The trap money is also sometimes kept in the Malkhana.]

D. Issuance and receipt of Items:

1. During the course of investigation or trial, items or documents kept in the Malkhana may be temporarily issued to the Investigation Officer/HIO /PO. IO raises demand of the case properties indicating the Malkhana nos. to the Malkhana Incharge. If issued items are to be sent to GEQD /FSL for expert opinion then copy of such requests will be placed in GEQD /FSL file.
2. Malkhana Incharge takes note of the Malkhana number and retrieves the items with the help of Case Index Register which has the details of the physical location of the item.
3. Entries would be made in the Temporary Issue Register on issuance as well as when the items are received back. In Temporary Issue Register, purpose of issue like for investigation, forwarding for forensic opinion, etc. is supposed to be specifically mentioned and Malkhana Incharge has to obtain acknowledgement from the I.O.
4. Necessary entries will be updated when the items are received back.
5. The status of the items is updated as “issued” on issuance to an IO in the Temporary Issue Register and IO will acknowledge the receipt of the documents /materials /items in the register and sign against the items received.
6. While receiving back the items, Malkhana Incharge will update the entries in the Temporary Issue Register and will sign against the item received back.

E. Disposal of Items:

1. The court may order to return the seized properties to the party. The case file containing the order comes to the Malkhana Incharge with the approval of higher authorities. The Malkhana Incharge initiates correspondence with the concerned party to collect the items. Disposal of items is withheld, in case, concerned LEA files an appeal and the disposal of items then depends on the fate of the proposal. Similarly, the cases in which the closure report has been filed and the final order of the court has been passed for closure of the case, internal directives in investigation agencies like CBI, stipulate that the case

properties should be disposed within 13 days from the date of final order. A register of closed cases is also to be maintained containing the details such as MR No. of items pertaining to cases, date of disposal, remarks.

2. Correspondence to be sent to the concerned party is prepared by Malkhana Incharge and a copy of the same is placed in the case file and a Correspondence file.
3. An invoice is prepared with a unique invoice no., mentioning the details such as case no., party name, items to be returned along with its Malkhana No., court order no., court order date, GD particulars. Invoice is prepared at the time when the party comes to collect the items or the items are being handed over to the IO for returning them to the concerned party.
4. Invoice is maintained in triplicate, one copy each is for party, IO/ Malkhana staff who is taking the item out for returning, and Malkhana records.
5. An entry is done in the disposal register, indicating the case no., invoice no., invoice date, Malkhana no. of items(s), etc.
6. The acknowledgement of the returned items from the party is obtained during the handover of the items to the party by the Malkhana staff and placed in the disposal file and case file.
7. In cases where the IO/ Malkhana staff goes to the concerned party to return the items, IO/ Malkhana staff takes the acknowledgement of the returned items from the party and submits it to the Malkhana Incharge and the same is placed in the disposal file and case file.
8. If the Cash which is deposited in the current account is to be disposed by returning it to the party then it is returned in the form of cheque. Cheque will be signed by joint Account holders. The same is updated in the Malkhana Register.

9. Taking over the charge of Malkhana: whenever, a new officer takes charge of Malkhana (either temporary or permanent), he checks each item and submits a certificate to that effect to the Incharge Law Officer.

F. Arms & Ammunitions:

1. The Arms & Ammunition are maintained in the following ways
 - a. Seized Arms & Ammunition — The seized arms& ammunition are recorded with details like make, serial number, type in the Seized Arms Register.
 - b. Official Arms & Ammunition — Details are recorded like make, serial number, type in the Official Arms Register and the same may be issued after the approval of concerned, to the official for their own safety. The Official Arms Register is updated once the issued arms and ammunition are returned in the Malkhana.
2. Transfer from other formation: when Seized Items are received on transfer from other formation, Malkhana Incharge of the recipient branch updates the Seized Property Register and new Malkhana register no. is assigned to the items in the serial order maintained by the recipient branch.

G. Inspection/Records maintenance:

1. A monthly statement should be prepared indicating the seized property pending in Malkhana at the end of month. It should capture the details such as item no., FIR/RC /PE No., date of seizure, reasons for pendency, etc.
2. A Gazetted Officer or a Law Officer (as in CBI) after scrutinizing it, will countersign the statement.
3. The Malkhana Incharge shall place the Seized Property Register before the concerned in-charge once in two months for his check and inspection.
4. A detailed inspection will be carried out by a Gazetted Officer after every three months and will put up an inspection note to the supervisory authority, who can further send it up in the hierarchy or may send it back with comments. Senior officers or Law Officer may also issue orders

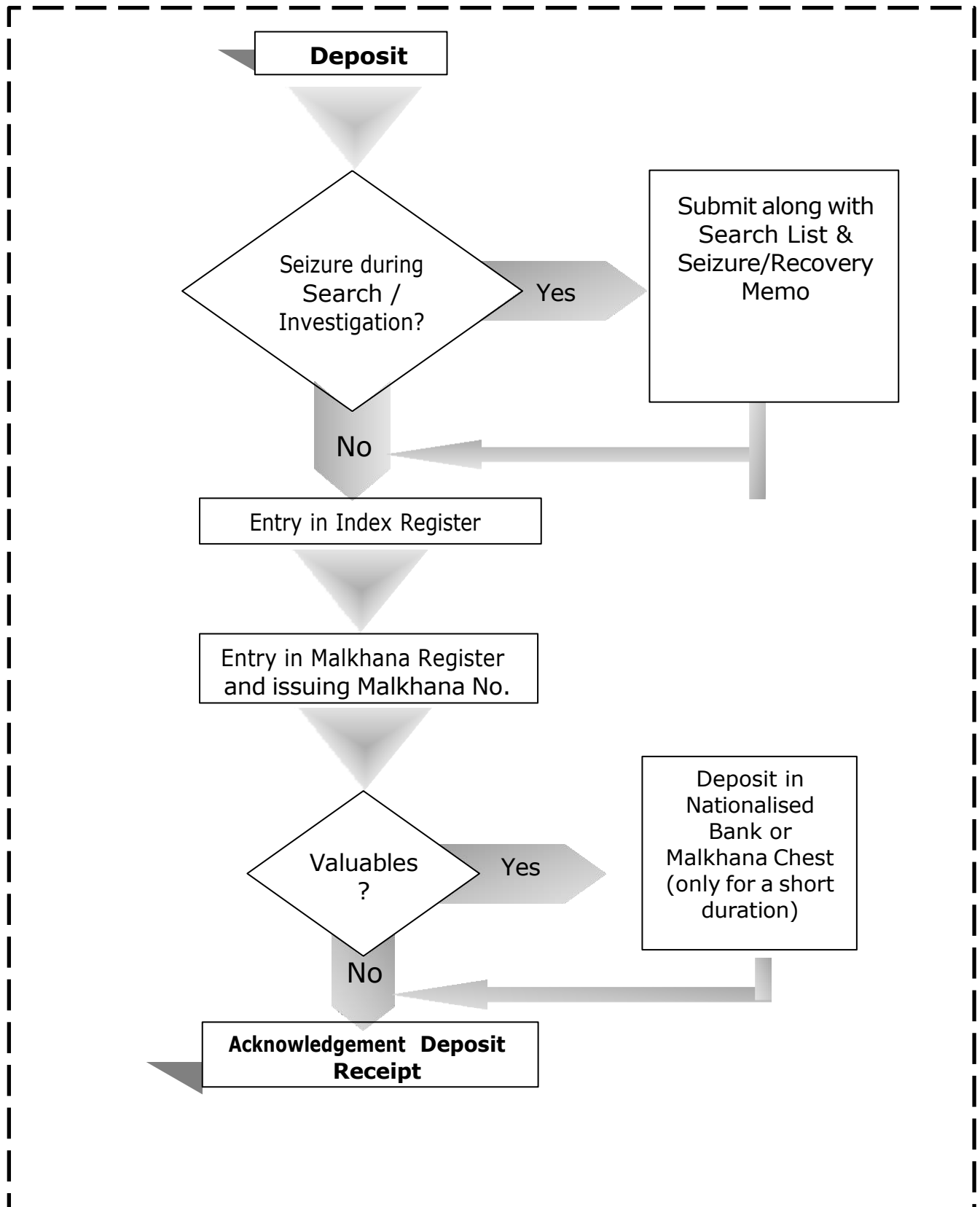
on the basis of inspection note to Malkhana Incharge.

5. An Office Order file shall be maintained by the Malkhana Incharge in which all the order issued related to Malkhana shall be placed.

Summing up, Malkhana Management System, proposes to cover the entire spectrum of issues including, documentation, safe storage, pertinent identification, easy retrieval, periodic inspections and timely disposal of Malkhana items.

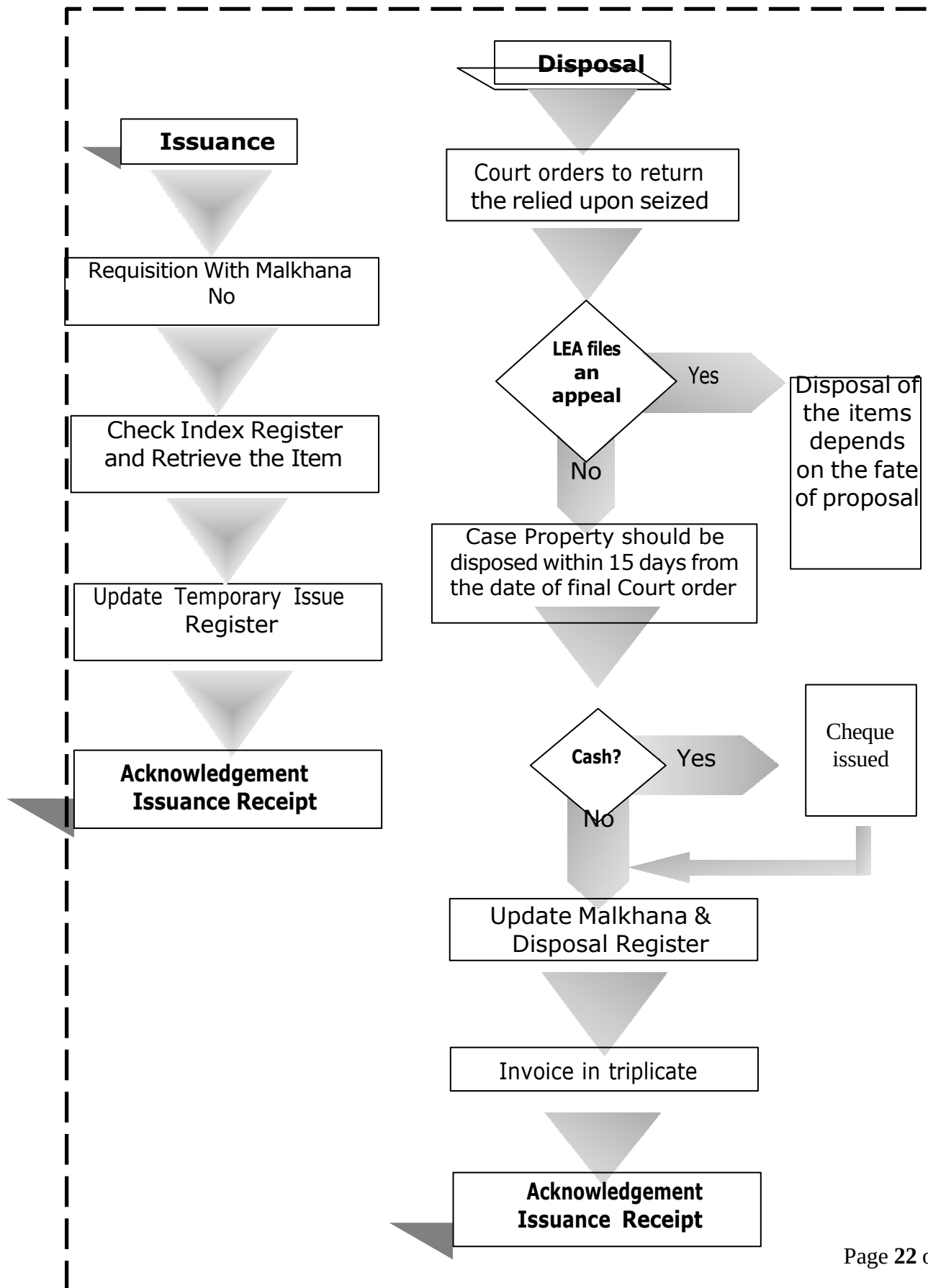


Flow diagram of Malkhana Management Process





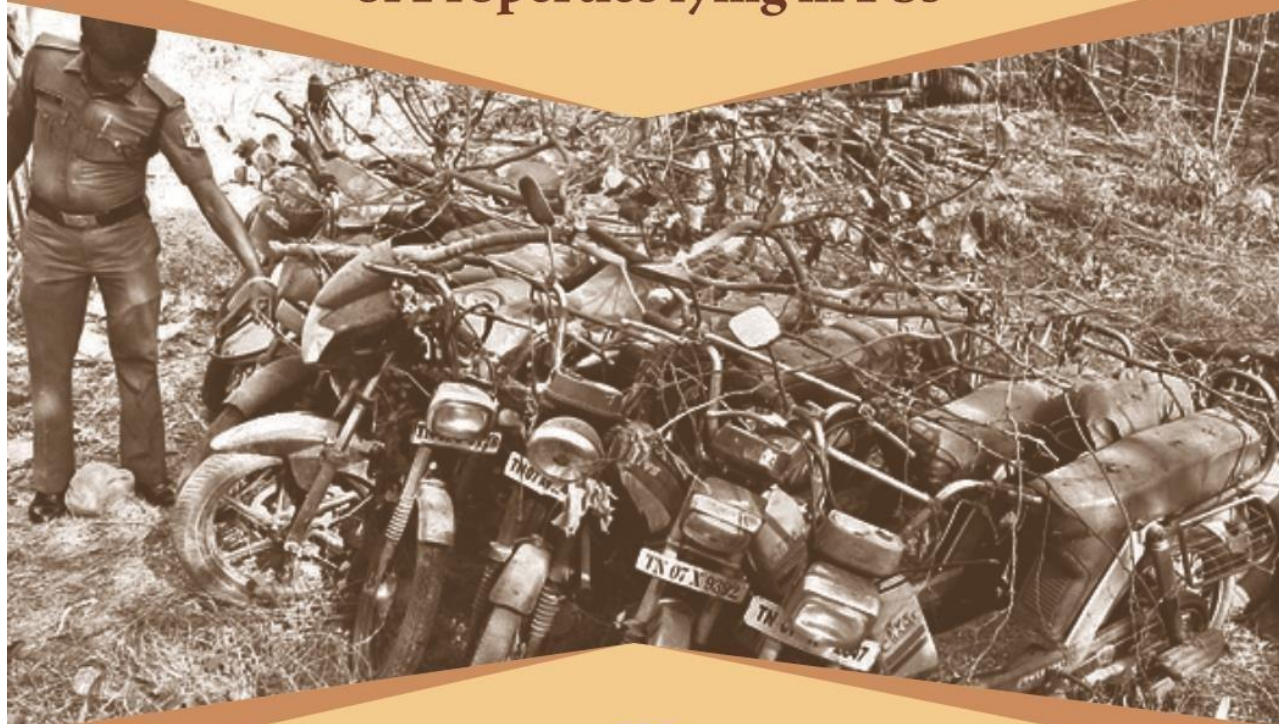
Flow diagram of Malkhana Management Process





For Private Circulation only

STANDARD OPERATING PROCEDURE FOR DISPOSAL of Properties lying in PSs



**Crime Investigation Department
Andhra Pradesh**



INDEX

Sl. No.	Subject	Page Nos
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I) SOP in respect of the property that could be linked to a crime

- 1) When the vehicle/ property lying in the Police Station is linked to a UI, PT or Sec. 102 Cr. PC case, the following procedure may be adopted.
 - a) Display the Crime Number, Section of Law, CPR No., and Name of the Court on the vehicle/ property, with paint.
 - b) Maintain Case Property Register (Model – Form-II) in the PS and make corresponding entries in it along with the Sentry Relief Book.
 - c) If the seizure report is not produced in the Court, now produce it through Form 66.
 - d) Two situations may emerge when the vehicle is linked to a crime:
 - i. The owner/ rightful claimant is traced.
 - ii. The owner/ rightful claimant is not traced.

Examples:

- The complainant is not available at the address noted in FIR
- The FIR is related to recovery only U/s. 411 IPC /41Cr.PC, not linked to a theft or offence
- More number of vehicles than those related to FIR are recovered

- 2) If the owner/ rightful claimant is traced:
 - a) Advise him to file a petition (Model - I) in the concerned Court for custody of the said property.

A draft petition to be filed by SHO in the Court for delivery of property to a number of rightful claimants is also enclosed (Model-II).



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Note: In Anantapur District, on an application filed by Inspector of Police, I Town PS, Anantapur (Model – XII), the I Addl. JMFC Court allowed the SHO to hand over the property to the rightful claimant.

- b) After obtaining the Court order, hand over the property to the petitioner claimant. (In Sunderbhai Ambalal Desai case, the Hon'ble Supreme Court gave directions to lower courts regarding the procedure to be followed while ordering custody of property. Extend all assistance to the Court in the documentation process)
- c) If the property relates to a case registered in another PS, pass on this information to the concerned PS. The SHO of the other PS will file a petition (Model- III) before the jurisdictional Court requesting for transfer of the property from the Court having custody of the property to this Court.

Note: In cases where this property is not reported to Court or deposited under Form 66, the transfer of the property can be from SHO – to - SHO.

- d) Make corresponding entries in the Case Property Register.
- e) If the owner/ rightful claimant refuses to file a petition in the Court or refuses to take such property on the plea that he already claimed insurance, then SHO should write to the Insurance Company (Model- IV) and advise them to file a petition for the custody of the property. Hand over the property to the Insurance Company after seeking the orders of the Court.
- f) If the owner/ rightful claimant refuses to file a petition in the Court for other reasons such as diminution in value of the property or for sentimental reasons in accidental related cases, etc., file a petition (Model-V) in the Court explaining all the facts and seek orders for auction of said property.



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- g) If the Insurance Company refuses to take custody, then treat that property as Unclaimed Property. SHO will file a petition (Model-VI) explaining all facts and obtain orders of the Court for its auction/disposal.
- 3) When rightful claimant cannot be immediately established, the following efforts should be made to ascertain the ownership / rightful claimant.
 - a) Verify the Crime Records, Property Registers, Sentry Relief Book, etc., to trace any particulars mentioned therein about the ownership of the property.
 - b) Ask all the present and previous office staff of the PS, Home guards, Sweepers, etc. about the vehicles/ property lying in the PS.
 - c) Note the Engine No., Chassis No., Registration No., and address the RTO with all these details and get the information about the ownership and Insurance. The Police can ascertain details of the registration and ownership of the vehicles with the help of AP Transport Department website: www.aptransport.org or address Joint Transport Commissioner (IT)
 - d) Address the Insurance Company with all these details. The Police can ascertain details of all insured vehicles in the country from Insurance Information Bureau created by IRDA through their website: <https://iib.gov.in> or through the toll free no.18004254734. (Supreme Court on General Insurance & Others vs. State of AP & Ors)
 - e) Collect information from DCRB, SCRB and neighboring PSs of other states including their SCRB whether the particular vehicle/property is connected to any offence in any other PS/ District.
 - f) Ascertain the information from the 3rd EYE by entering all the details.



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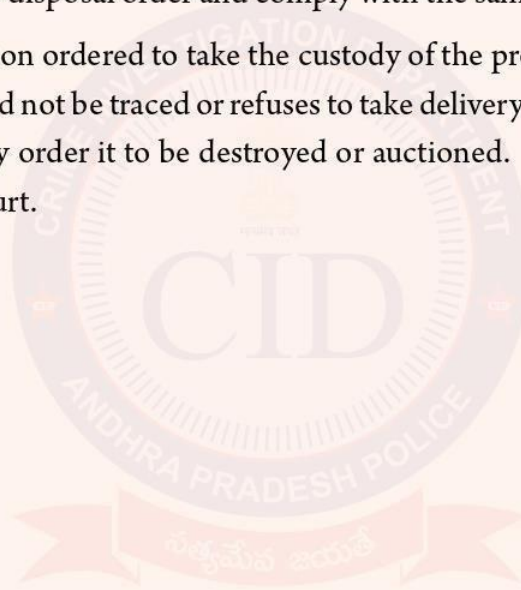
- g) Address the manufacturing company or authorised dealer of the vehicle/ property to ascertain the information about the ownership. (Model-VII)
- If due to the efforts made above, the rightful claimant could be established, the procedure mentioned in Para-(I) above, shall be followed.
- 4) If in spite of the efforts made, the rightful claimant could not be established but the Insurance Company is identified, advise the Insurance Company to file a petition before the Court. The Court may order either release of the vehicle to the Insurance Company or its auction. The Insurance Company shall give an undertaking to remit the proceeds from the sale /auction of the vehicle in the event that the Court finally adjudicates that the rightful ownership of the vehicle does not vest with the Insurer.
- If the Insurance Company refuses to file petition for custody of the property, treat it as UNCLAIMED PROPERTY and explaining all the efforts made to trace the complainant, or the refusal of the complainant/ Insurance Company to take delivery of the property, file a petition (Model-VI) in the Court seeking orders for auction of the said property.



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II) SOP in respect of the property relating to cases already disposed by the Court

- 1) Go through the judgment of the concerned case and see whether specific order relating to disposal of property was pronounced at the end of trial. Comply with such order.
- 2) If no such specific order was issued by the Court, SHO should now obtain the disposal order and comply with the same. (Model – VIII)
- 3) If the person ordered to take the custody of the property, does not turn up or could not be traced or refuses to take delivery of such property, the Court may order it to be destroyed or auctioned. Extend all assistance to the Court.





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III) SOP in respect of the property that could not be linked to a crime.

- 1) When the SHO is not able to connect the vehicles/ property lying in the Police Station with any crime (Property without any Record), then he should make all efforts as mentioned in Para-I(3) above to at least establish the rightful claimant of the vehicle.
 - a) If due to the efforts made, the rightful claimant is established, ascertain from him whether a case was registered in any other PS. If Yes, transmit the property to the concerned PS with request to the SHO of other PS to take appropriate steps.
 - h) If due to the efforts made rightful claimant is established, but no case is registered in any other PS also, submit a detailed report to the Court informing that this property is lying in the PS, not connected to any case but there is a rightful claimant. At the same time advise such claimant to file a petition (Model- IX) in the Court for custody of the property. A draft petition to be filed by SHO in the Court for delivery of property to the rightful claimant is also enclosed (Model- X). As already stated, if he refuses to file such petition, the procedure of identifying Insurance Company, etc., as stated in Para-I(2) (e) to (g) above, shall be followed.
 - b) If in spite of all efforts, rightful claimant could not be established, submit a detailed report (Model – XI) informing that this property lying in the PS is one with no record what so ever and is an Unclaimed Property and seek orders for its auction/ disposal.



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IV) Steps involved in Auction Process

- 1) Auction of property related to criminal cases is conducted by Court (Judicial Magistrate of First Class). In all Sec.102 Cr.PC cases, the auction may be conducted by Executive Magistrate.
- 2) As per Rule 232 of Criminal Rules of Practice and Circular Orders, 1990 issued by the Hon'ble High Court of Andhra Pradesh.

Sale of property should be conducted by an officer of the Court and should be by public auction. It should be conducted and confirmed as far as may be in the manner prescribed for the sale of movable property by the Code of Civil Procedure.

- 3) In Anantapur District, on an application filed by Inspector of Police, I Town PS, Anantapur (Model – XIII), the I Addl. JMFC Court ordered the SHO to conduct auction and deposit the proceeds in the Court/ Government (Court Order: Model - XIV)
 - a) Issue Auction Notice (Model –XV) with all details of the property to be auctioned, citing the Court order. This may be got published in daily newspapers and also affixed at all prominent places.
 - b) Collect the valuation certificate of each vehicle from the RTO.
 - c) Before auction, the original registration number on the vehicle should be made visible.
 - d) If the original registration number is not traced, it should be written as “Not Traced” on the number plate.
 - e) If the Engine No., and Chassis No., are tampered then that vehicle cannot be re-registered. It shall be treated as scrap and auctioned accordingly. (Circular Memo No. 1338/VI/2009,dt.18-03-2010 Office of the Transport Commissioner)



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- f) Maintain Auction Register in the PS with the permission of SP/CP.
- g) Send a requisition to the Deputy Transport Commissioner to depute MVI/ AMVI on the day of auction.
- h) Send a requisition to the RDO or Mandal Tehsildar for deputing VROs to act as mediators to attest panchanama at the time of auction.
- i) Before the auction, inform the condition of each and every vehicle to the bidders whether it is road worthy or scrap.
- j) Take photographs of each and every vehicle along with the bidder.
- k) Prepare detailed Panchanama narrating the entire auction proceedings in detail and take signatures of all mediators including revenue officials, RTO officials and the bidders.
- l) Issue a certificate to that effect to the bidder explaining all the details of the vehicle, so that he can get re-registration
- m) Remit the auction amount of each and every vehicle in the Court or Treasury as the case may be, with a detailed report and obtain receipt to that effect.



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Vehicles seized by other Departments and handed over the Police or vehicles seized by Police under Special Acts.

- 1) All vehicles seized by other departments and handed over to Police for safe custody shall be returned to the concerned department under acknowledgement.
- 2) Separate procedure has to be followed for custody /disposal of properties seized by Police under various Special Acts.

AP Excise Act, 1968

- In AP Excise Act, 1968, the powers of confiscation (Sec.45) and disposal of property are vested with the Dy. Commissioner of Prohibition and Excise of the Excise District (Sec.46).
- Further, when the offender is not known or cannot be found, the Superintendent of Prohibition and Excise is competent to confiscate the property (Sec.46-B).
- No Court shall entertain any application for disposal of property (Sec.46-E)
- In respect of stocks of liquor seized, the DC of P&E of Excise District will order it to be handed over to AP Beverages Corporation Limited, in case such IML /IMFL is duty paid.
- In case such IML/ IMFL is non-dutypaid, illicit or spurious, the DC will order it to be destroyed after keeping a sample for forensic examination and further Court proceedings.



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NDPS Act, 1985.

- Narcotic Drug, Psychotropic Substance, Opium Poppy, Coca Plant, Cannabis Plant, Materials, Apparatus, Utensils are liable to confiscation (Sec.60).
- Receptacles, packages, coverings in which Narcotic Drug or Psychotropic Substance or controlled substances are liable to confiscation.
- Animal or conveyance (vehicle) used in carrying any Narcotic Drug, etc., is liable to confiscation (Sec.60(3)).
- Goods used for concealing any Narcotic Drug, etc., are liable to confiscation (Sec.61).
- Sale proceeds of Narcotic Drugs, etc., are liable to confiscation (Sec.62).
- Whether the accused is convicted or acquitted or discharged, the articles seized U/Sec. 60, 61 and 62 are liable to confiscation. (Sec.63).
- In all the above cases except vehicles, the powers to order confiscation and destruction, are vested with jurisdictional Court.
- In some cases where a vehicle is used by the accused without the knowledge of the owner or rightful claimant, its interim custody will also be ordered by jurisdictional Court.
- In other cases, the vehicle and the contraband are both liable to confiscation on the orders of the Court.



For Private Circulation only

AP Forest Act, 1967.

- The forest produce like timber, red sandal, teak, together with tools, ropes, chains, boats, vehicles and cattle employed in commission of the offence can be seized by any Forest Officer or by the Police (U/Sec. 44 (1) of AP Forest Act, 1967).
- The seized property has to be produced before the Divisional Forest Officer (DFO) for confiscation of the property. The Sub-Divisional Forest Officer / DFO are the authorized officers U/Sec. 44(2) (GO Ms No. 32, F&RD(For. III) Dept., dt. 21-01-1976) to confiscate or release the vehicle and the produce pending investigation. The Judicial Magistrate has no jurisdiction for the disposal of the property under Forest Act, 1967.
- On seizure and register of Forest case, the seized property along with vehicles including the seized material involved in Red Sander and the material used in the commission of offence are to be produced before the authorized officer ie., DFO having jurisdiction or to the nearest magistrate having jurisdiction within reasonable time or as early as possible ie., 24 to 48 hours (preferably before Divisional Forest Officer).
- Any person aggrieved by an order passed by the Divisional Forest Officer, may appeal to the Conservator of Forests / Chief Conservator of Forests concerned within 30 days from the date of communication of Divisional Forest Officer orders U/s 44 (2) (D) of Andhra Pradesh Forest Act, 1967.
- Any person aggrieved by an order of the Chief Conservator of Forests / Conservator of Forests, may appeal to the District Court only U/s 44 (2) (E) of Andhra Pradesh Forest Act, 1967.
- If the vehicle is confiscated the same will be put for auction by tender process and the sale proceeds (Revenue – value of the vehicle as fixed by the MVI) will be remitted to the State Government of AP.



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The Copyright Act, 1957.

- Whether the offender is convicted or not, all copies of the work or all plates in the possession of the offender, of infringing copies, shall be delivered to the owner of the Copyright. (Sec.66 of the Act)

Note 1: In most of the Copyright Act cases, huge quantity of CDs, Books, Cassettes are seized for violation of the Act and the above section is relevant such a scenario.

Note 2: However, in respect of CDs, Books, Beedis, Cigarettes seized in a theft case, this section will not apply. They have to be disposed as discussed in the first part of the Note.

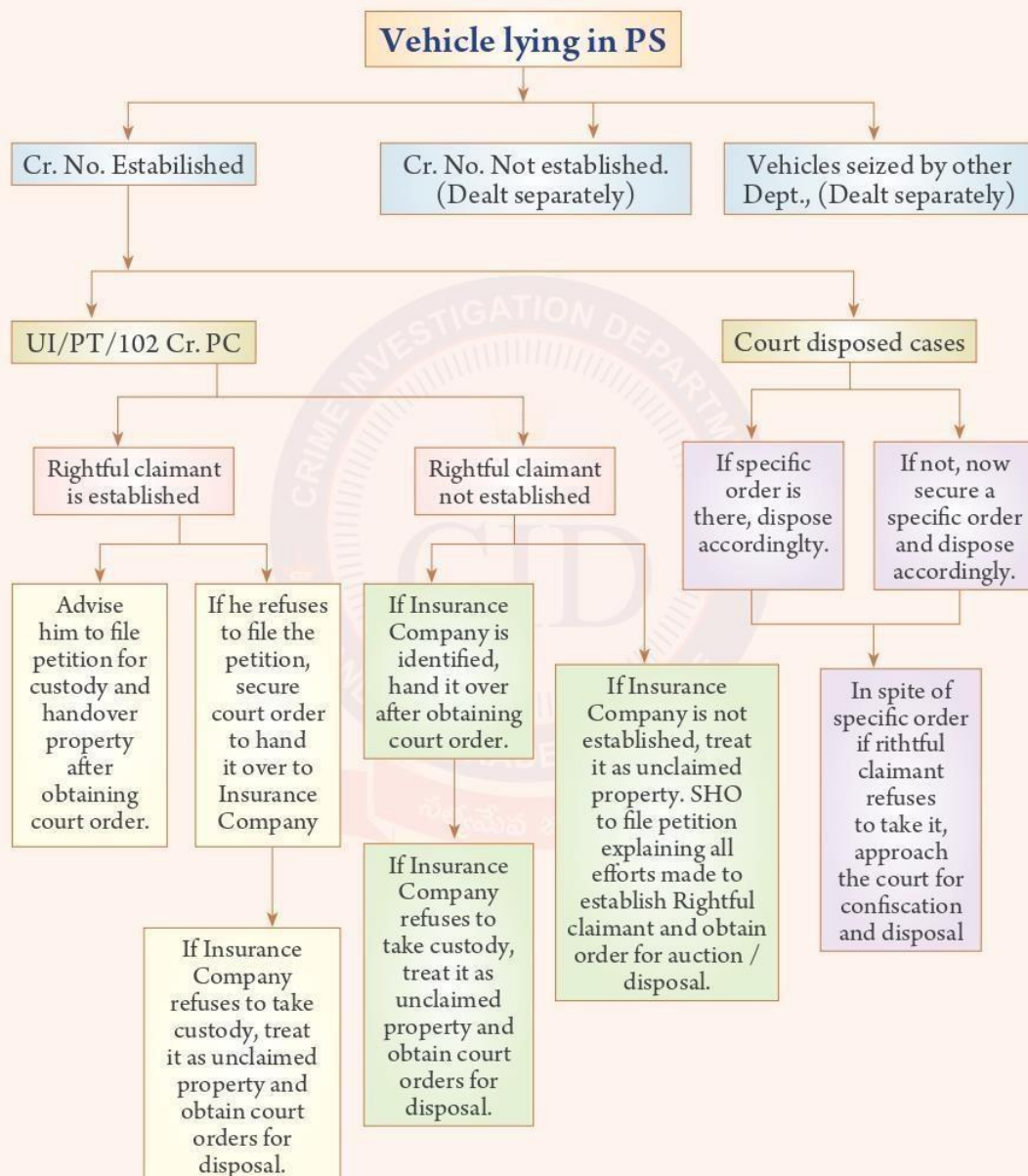
Essential Commodities Act, 1955.

- The Essential Commodity, package, covering or receptacle in which such essential commodity is found or any animal, vehicle or vessel or other conveyance used in carrying the essential commodity shall be seized and confiscated.
- The District Collector has jurisdiction to order such confiscation.
- In the state of Andhra Pradesh, the confiscation powers are delegated to Revenue Divisional Officers (RDO).
- The Courts have no jurisdiction.



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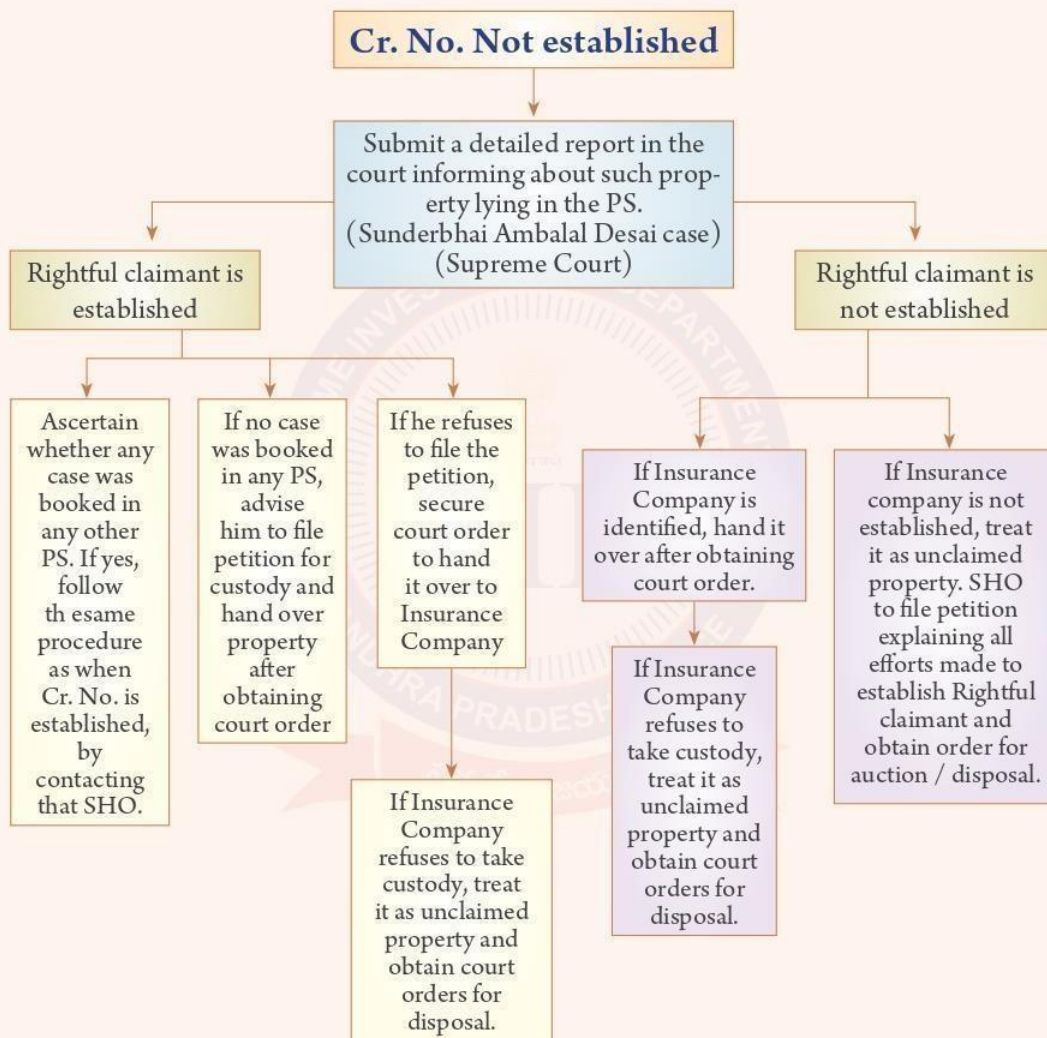
Flowchart – 01: Disposal of property at a Glance





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Flowchart – 02: Disposal of property without a Cr. No.



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Flowchart – 03: Disposal of properties seized by other Departments.





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Model Petitions / Letters / Court Orders

Sl. No.	Annexure / Model No.	Description of Model	Para in SOP	Page No.
1)	Model – I	Petition to be filed by the rightful claimant/ owner for return of the property	I, 2(a)	18 – 18
2)	Model – II	Petition to be filed by the SHO for release of vehicles to rightful claimants	I, 2(a)	19 – 20
3)	Model – III	Petition to be filed by SHO before the jurisdictional Court requesting transfer of case property from another Court	I, 2(c)	21 – 23
4)	Model – IV	Letter from SHO to Insurance Company	I, 2(e)	24 – 25
5)	Model – V	Petition to be filed by SHO for auction of case property when rightful claimant refuses to take delivery of the property	I, 2(f)	26 – 26
6)	Model – VI	Petition to be filed by SHO for auction of case property when Insurance company refuses to take delivery of the property	I, 2(g)	27 – 29
7)	Model – VII	Letter from SHO to automobile manufacturer /dealer	I, 3(g)	30 – 30
8)	Model – VIII	Petition to be filed by SHO for clarification regarding disposal of property in a Court disposed case	II, 2	31 – 31



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9)	Model – IX	Petition to be filed by the claimant seeking release of his vehicle (when there is no case regd)	III, 1(b)	32 – 32
10)	Model – X	Petition to be filed by SHO to issue orders to hand over vehicle to owner (when there is no case regd)	III, 1(b)	33 – 34
11)	Model – XI	Petition to be filed by SHO to issue an order for auction of abandoned vehicles	III, 1(c)	35 – 36
12)	Model – XII	Application filed by Inspector of Police, I Town PS, Anantapur for handing over vehicles to rightful claimants (Model – XIII)	I, 2(a)	37 – 39
13)	Model – XIII	Application filed by Inspector of Police, I Town PS, Anantapur for auction of unclaimed vehicles (Model – XIII)	IV, 3	40 – 41
14)	Model -XIV	Court Order	IV, 3	42 – 45
15)	Model -XV	Auction Notice	IV, 3(a)	46 – 46
16)	Form-I	Auction Register	IV, 3(f)	47 – 47
17)	Form-II	Court Property Register	I, 1(a)	48 – 48
18)	Form-III	Register of Property received from other Departments		49 – 49



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Model - I

**IN THE COURT OF HON'BLE ADDL. JUDICIAL
MAGISTRATE OF FIRST CLASS, ANANTAPURAM**

Between:

M.Durga Satya Prasad,
Anantapuram.,Anantapuram District.

... ..Petitioner

and

Kavati Durgarao, S/o Venkata Rao.

.....Accused / Respondent

**PETITION FILED BY THE COMPLAINANT SEEKING
RELEASE OF THE CASE PROPERTY IN CR.NO.....,
U/s..... OF ANANTAPURAM I-TOWN PS.**

It is humbly submitted that on _____ my vehicle bearing No. _____ (Car/
Van/Motor Cycle), Make....., Engine No Chassis.....)
was committed theft of by unknown persons and the matter was reported to
the Station House Officer, Anantapuram I Town PS on A case in
Cr.No..... referred above has been registered and investigated into. On ____ the
SHO, Anantapuram I Town PS has informed me, that the above vehicle was
recovered from the accused and produced before this Hon'ble Court.

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Therefore, it is prayed that the Hon'ble Court may be pleased to issue orders for delivery of my vehicle. Copy of the registration certificate is enclosed for favour of kind reference for identification.

Sd/- xxxx
M.Durga Satya Prasad,
Anantapuram.





For Private Circulation only

Model - II

**IN THE COURT OF HON'BLE ADDL. JUDICIAL
MAGISTRATE OF FIRST CLASS, ANANTAPURAMU**

Station House Officer,
Anantapuramu I Town P.S.,
Anantapuramu District.

.....Petitioner

**PETITION FILED ON BEHALF OF PROSECUTION FOR
RELEASE OF VEHICLES TO RIGHTFUL CLAIMANTS IN
ANANTAPURAM I TOWN POLICE STATION.**

It is to submit that the following vehicles lying in the Police Station were committed theft of by unknown accused vide Cr. Nos. shown against each of them. During the investigation of those cases, the accused were arrested, vehicles were recovered and the said properties were produced before this Hon'ble Court vide CPR Nos., shown against each of them. The identity of the owner /rightful claimant in each case is shown in the in the following table.



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S.L. No.	Cr. No.	Type of Vehicle	Regn. No.	Date of Seizure	CPR No.	Id of Owner/ Rightful Claimant
1.	52/2012	Bajaj Pulsor	AP02 AB1850	01-03-2013	353/13	Rama Krishna Reddy G, S/o G.Eswar Reddy, 13-3-182, Sreenivasa Nagar, Ananthapuramu. Cell No. 7204730277, 9573357677.
2.	62/2013	Hero Smart	AP02 K5723	04-07-2014	512/14	Ramanjaneyulu G, S/O G.Onnurappa, 6/655/82-A, Maruthi Nagar, Ananthapuram
3.	17/2012	Hero Honda Splendor	AP28 AC8927	07-05-2013	01M18E 14621	Jagadish, S/O Balraj, H. No. 8-4-10, RRD.
4.	19/2014	Hero Honda Splendor	AP25 G1944	01B20F 19189	01B18 E19126	Surya Reddy K, S/o Kista Reddy, INA,INA,INA NZB.
5.	16/2015	TVS Victor GL	AP03 AL2529	N3208F 181477	N3208 M182 731	Vijaya Kumar S, S/o S.Bramhachari, D.No.3-725, Thapovanam, Narayanapuram, Ananthapuramu.

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The Hon'ble Supreme Court of India in *Sunderbhai Ambalal Desai Vs State of Gujarat*, has directed that ***"in our view, whatever be the situation, it is of no use to keep such-seized vehicles at the Police Stations for long period. It is for the Magistrate to pass appropriate orders immediately..."***

It is prayed that the Hon'ble Court may order delivery of the above mentioned vehicles to the respective rightful claimants.

Inspector of Police,
Ananthapuramu I town PS.





For Private Circulation only

Model - III

**IN THE COURT OF HON'BLE ADDL. JUDICIAL
MAGISTRATE OF FIRST CLASS, ANANTAPURAM**

Between:

The State Station House Officer,
Anantapuram I Town P.S.,

...Petitioner

and

KavatiDurgarao, s/o Venkata Rao.

.....Accused/Respondent

**PETITION FILED ON BEHALF OF PROSECUTION
SEEKING ISSUANCE OF ORDERS TO GET THE
TRANSFER OF CASE PROPERTY IN CR.NO.....
ON POINT OF JURISDICTION.**

It is humbly submitted that information has been received from the SHO, Tadpatri PS that the vehicle bearing No.... was seized by him from the possession of the accused under a cover of mediators report, dt and that the case property was produced before the Honb'le Court of..... Tadpatri and the case property is now in its custody. During the course of interrogation, the above said accused confessed that he had committed theft of the said vehicle in the limits of Ananthapuram I-Town PS.

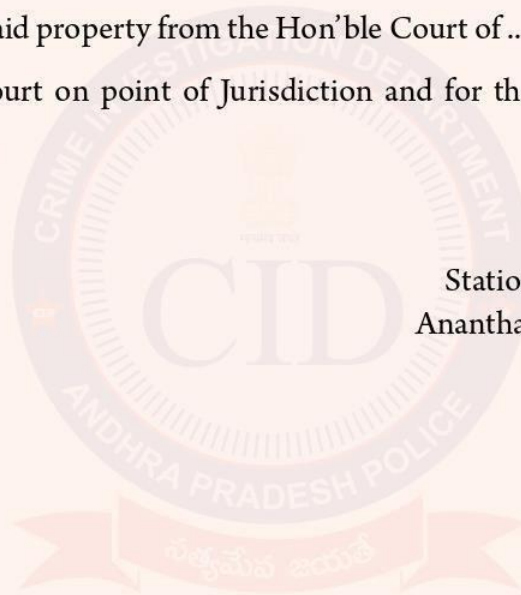


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In this connection, it is further submitted that a case in Cr.No
U/Sec. referred above was registered in Ananthapuram I Town PS
on the report ofs/o..... (complainant) relating to theft
of his vehicle bearing No noted above and investigated into.

Therefore, it is prayed that the Hon'ble Court may be pleased to issue orders
for transfer of the said property from the Hon'ble Court of Tadpatri
to this Hon'ble Court on point of Jurisdiction and for the purpose of further
investigation/ trial.

Station House Officer,
Ananthapuram I Town P.S.



For Private Circulation only

Documents filed along with this petition.

- 1) Letter / RM, dt. of SHO Tadipatri PS.
- 2) Copy of the mediatorsnama.
- 3) Copy of FIR in Cr. No..... of Anantapur I Town PS.





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Model - IV

From
Inspector of Police,
I Town Police Station,
Ananthapuramu,
Andhra Pradesh State.

To
The Divisional Manager,
Oriental Insurance,
Corporation Circle,
Near Town Hall,
Bangalore.

Sir,

Sub: Ananthapuramu I Town PS – Recovery of Motor Cycle bearing
No.KA02HC2223 – Request to take the custody of vehicle
Regarding.

Ref: 1) Cr. No. 220/2010, U/Sec. 41 & 102 Cr.PC, and 411 IPC of
Ananthapuramu I Town PS.
2) Frazer Town Police Station Cr. No. 353/2008, U/Sec. 379 IPC.

-o0o-

Adverting to the reference cited above, it is to inform you that on 24.05.2010, SHO, Ananthapuramu I Town Police Station and his staff arrested the accused No. 1. Guduru Venkatachalapathi Nagaraju S/o G. Venkata Chalapathi, 2. K.P. Prakash, S/o K. Prasad and 3. G. Ramachandra Reddy S/o G. Narasimha Reddy and recovered 10 stolen two wheelers from their possession under cover of Mahazar, vide reference 1 cited above.



For Private Circulation only

During the course of investigation, it came to light that one of the vehicles vide RC. No....., Engine No....., Chassis No was committed theft of vide Cr. No of Frazer Town PS, Bangalore City. As per the information furnished by SHO, Frazer Town PS, Bangalore City, the owner of the said vehicle had already claimed insurance from your company. The said vehicle is now in the custody of Court and is presently lying in PS premises.

Hence, you are requested to move an application before the Hon'ble Court for taking possession of the said vehicle.

Yours sincerely,

Inspector of Police,
Ananthapuramu I Town P.S.



For Private Circulation only

Model - V

**IN THE COURT OF HON'BLE ADDL. JUDICIAL
MAGISTRATE OF FIRST CLASS, ANANTAPURAMU**

Between:

Station House Officer,
Anantapuramu I Town PS,
Anantapuramu District.

.....Petitioner

and

Kavati Durgarao, s/o Venkata Rao.

... Accused

**PETITION FILED FOR ISSUE OF ORDERS FOR AUCTION
OF VEHICLE SEIZED IN CR. NO....., U/Sec
OF ANANTAPURAMU I TOWN PS.**

It is submitted that the case in Cr.No..... of Anantapuram PS,
vide CC.No is pending trial before this Hon'ble Court. The vehicle
No....., Engine No....., Chassis No..... was recovered from the
accused on and produced before this Hon'ble Court vide
CPR No and the same is lying in PS.

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In the light of Hon'ble Supreme Court Judgment in Sunderbhai Ambalal Desai Vs State of Gujarat, the owner/ Lawful claimant Sri..... was contacted in order to take steps for orders of this Hon'ble Court for delivery of the property to him. He declined to take delivery of the said property.

Hence, it is prayed that the Hon'ble Court may order auction of the said property.

Inspector of Police,
Ananthapuramu I Town P.S.





For Private Circulation only

Model - VI

**IN THE COURT OF HON'BLE ADDL. JUDICIAL
MAGISTRATE OF FIRST CLASS, ANANTAPURAMU**

Between:

Station House Officer,
Anantapuramu I Town P.S.,
Anantapuramu District.

..... Petitioner

and

Kavati Durgarao, s/o Venkata Rao.

..... Accused

**PETITION FILED FOR ISSUE OF ORDERS FOR AUCTION
OF VEHICLE SEIZED IN CR. NO.....,
U/Sec..... OF ANANTAPURAMU I TOWN PS.**

It is submitted that the case in Cr.No of Anantapuram PS,
vide CC.No..... is pending trial before this Hon'ble Court. The vehicle
No....., Engine No....., Chassis No..... was recovered from
the accused on and produced before this Hon'ble Court
vide CPR No..... and the same is lying in PS.

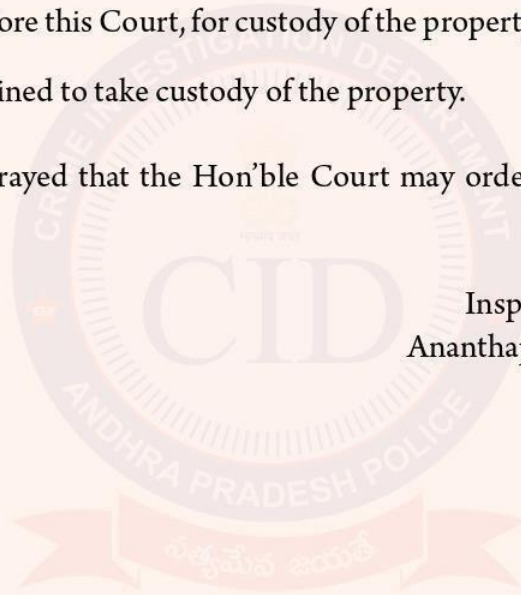


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In the light of Hon'ble Supreme Court Judgment in Sunderbhai Ambalal Desai Vs State of Gujarat, the owner/ Lawful claimant Sri was contacted in order to take steps for orders of this Hon'ble Court for delivery of the property to him. As he declined to take delivery of the said property, the Insurance Company was contacted and requested to move a petition before this Court, for custody of the property. The said Insurance Company also declined to take custody of the property.

Hence, it is prayed that the Hon'ble Court may order auction of the said property.

Inspector of Police,
Ananthapuramu I Town P.S.



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List of Documents:

- 1) Notice served on the rightful claimant for taking delivery of the property and his refusal endorsement thereon.





For Private Circulation only

Model - VII

**GOVERNMENT OF ANDHRA PRADESH
POLICE DEPARTMENT**

From
K.Raghavan,
Inspector of Police,
Ananthapuramu I town P.S

To
M/s Varun Motors,
Ananthapuramu.

Sir,

Sub:- Anantapuramu I town PS – Request to furnish the ownership of the vehicles – Regarding.

Ref:- Rc.No.132/C4/2015, dt.17.07.2015 of the DIG of Police, Anantapuramu Range, Anantapuramu.

-: oOo :-

Adverting to the reference cited above, it is to inform that large number of vehicles are lying in our Police Station and for the following vehicles, registration numbers are altered. Our efforts to trace the owner of the vehicle have proved futile. After thorough inspection of the vehicles, we could trace the chassis number and Engine number of the vehicles mentioned below. Kindly furnish the details of the persons who purchased the same from your company to enable me to dispose the vehicles according to Law.

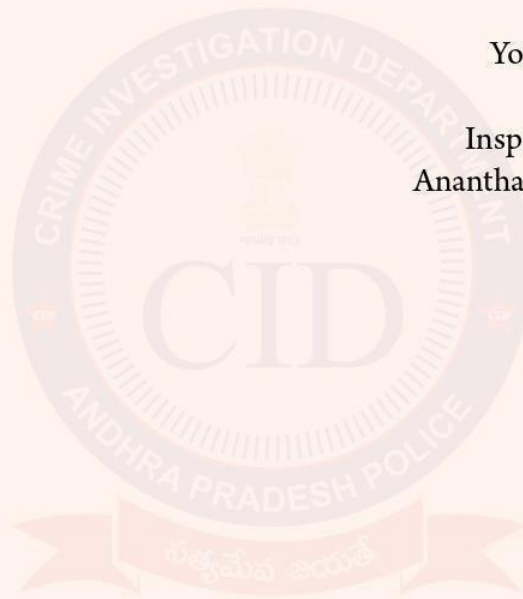
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LIST OF VEHICLES

S. No.	Make	Chassis No.	Engine No.
1	Hero Honda Splendor	O1J20F13338	O1J18E12590
2	Hero Honda Splendor	97L19F30496	97L17E30517
3	Hero Honda Splendor Plus	07M16F08782	07M15E18091

Yours sincerely,

Inspector of Police,
Ananthapuramu I town PS.





For Private Circulation only

Model - VIII

**IN THE COURT OF HON'BLE ADDL. JUDICIAL
MAGISTRATE OF FIRST CLASS, ANANTAPURAMU**

Station House Officer,
Anantapuramu I Town P.S.,
Anantapuramu District.

..... Petitioner

Vs.

Kavati Durgarao, s/o Venkata Rao.

... Accused

**PETITION FILED FOR ISSUE OF ORDERS FOR
DISPOSAL OF VEHICLES WHICH ARE SEIZED IN CR.NO.
..... OF ANATAPURAMU POLCE STATION.**

It is submitted that the case in Cr.No of Ananatapuram PS,
was disposed by this Hon'ble Court vide CC. No dt The vehicle
No..... Engine No....., Chassis No..... was produced
before this Hon'ble Court vide CPR No, marked as material object
(MO.....) and the same is lying in PS.

For Private Circulation only

After conclusion of the trial, judgment was pronounced and the case ended in acquittal/conviction. But the order for disposal of property is not mentioned in the said judgment.

Hence, it is prayed that the Hon'ble Court may pass necessary orders.

Station House Officer,
Anantapuram PS,
Anantapuram District.





For Private Circulation only

Model - IX

**IN THE COURT OF HON'BLE ADDL. JUDICIAL
MAGISTRATE OF FIRST CLASS, ANANTAPURAMU**

Station House Officer,
Anantapuramu I Town PS,
Anantapuramu District.

.... Petitioner

**PETITION FILED BY THE CLAIMANT SEEKING
RELEASE OF HIS PROPERTY LYING IN ANANTAPURAM
I TOWN PS.**

It is humbly submitted that on my vehicle bearing No.....
(Car/Van/Motor Cycle), Make....., Engine No..... Chassis.....)
was committed theft of by unknown persons. I searched for the vehicle and also
made informal enquiries with my friends for a week. Since there is a long delay in
reporting the matter to the Police/ since I did not know the procedure to approach
the Police/ since the vehicle was already two years old/ since I was advised by my
friends that reporting the matter to Police will lead to appearing in the Court/
..... , I did not lodge a complaint in Anantapur I Town Police Station.
On the SHO, Anantapuram I Town PS has informed me that the above
vehicle was lying in the Police Station premises and advise me to file a petition in
this Hon'ble Court.

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Therefore, it is prayed that the Hon'ble Court may be pleased to issue orders for delivery of my vehicle. Copy of the registration certificate is enclosed for favour of kind reference for identification.

Station House Officer,
Anantapuram PS,
Anantapuram District.





For Private Circulation only

Model - X

**IN THE COURT OF HON'BLE ADDL. JUDICIAL
MAGISTRATE OF FIRST CLASS, ANANTAPURAMU**

Station House Officer,
Anantapuramu I Town PS,
Anantapuramu District.

.....Petitioner

**PETITION FILED ON BEHALF OF PROSECUTION FOR
ISSUE OF ORDERS TO HANDOVER THE VEHICLES
(NOT LINKED TO ANY CRIME NO.) TO THE RIGHTFUL
CLAIMANT IN ANANTAPURAM I TOWN PS.**

I submit that, the below noted vehicles are lying in the premises of Anantapuramu I Town Police Station since long time. Initial verification of station records has not revealed any information about these vehicles. However, after elaborate efforts made in this regard, though they could not be linked to any Cr. No., of this PS, the rightful claimants could be traced. The details of the vehicles and respective claimants are shown below:



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Sl. No.	Type of Vehicle	Regn. No.	Chasis No.	Engine No.	Owner Particulars
1.	Bajaj Pulsor	AP02 AS1850	MD2D HDJZZ PCH 65360	DJGBP H25059	Rama Krishna Reddy G, S/o G. Eswar Reddy, 13-3-182, Sreenivasa Nagar, Ananthapuramu, Cell No. 7204730277, 9573357677.
2.	Hero Smart	AP02 K5723	3C948430	CCH0 11731	Ramanjaneyulu G, S/o G. Onnurappa, 6/655/82-A, Maruthi Nagar, Ananthapuramu.

The Hon'ble Supreme Court of India in Sunderbhai Ambalal Desai Vs State of Gujarat, has directed that ***"in our view, whatever be the situation, it is of no use to keep such-seized vehicles at the Police Stations for long period. It is for the Magistrate to pass appropriate orders immediately....."***

It is prayed that the Hon'ble Court may order delivery of the above mentioned vehicles to the respective rightful claimants.

Station House Officer,
Anantapuram PS.,
Anantapuram District.

For Private Circulation only

Model - XI

**IN THE COURT OF HON'BLE ADDL. JUDICIAL MAGISTRATE
OF FIRST CLASS, ANANTAPURAMU**

Station House Officer,
Anantapuramu I Town PS,
Anantapuramu District.

.....Petitioner

**PETITION FILED ON BEHALF OF PROSECUTION
FOR ISSUE OF ORDERS TO AUCTION ABANDONED
VEHICLES IN ANANTAPURAM I TOWN PS.**

I submit that the below noted vehicles are lying abandoned in the premises of Anantapuramu I Town Police Station since long time. As verification of station records has not revealed any information regarding case number or details of the claimant, the following efforts were made to know the identity of these vehicles.

// Mention the detailed efforts given in SOP //

The list of abandoned vehicles is as follows:

Sl. No.	Type of vehicle	Engine number	Chassis number	Registration number on the number plate
1.	Bajaj Kawasaki Caliber	DDMBGE60070	DDFBJU97950	Nil
2.	Bajaj Caliber	DMMBJJ62565	DDFBGE97722	Nil
3.	Bajaj Kawasaki 4S Champion	Nil	3NF61037773	AP9G5685 (fake)

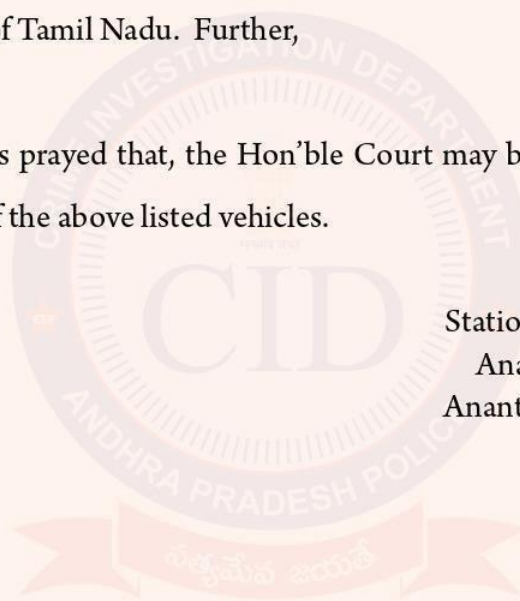


For Private Circulation only

The Hon'ble Supreme Court of India in Sunderbhai Ambalal Desai Vs State of Gujarat ***"in case where the vehicle is not claimed by the accused, owner or the Insurance Company or by third person, then such vehicle may be ordered to be auctioned by the Court....."*** Further, the property is subject to "speedy and natural decay" as observed by Hon'ble Madras High Court in Lenovo India Pvt. Ltd., Vs State of Tamil Nadu. Further,

Therefore, it is prayed that, the Hon'ble Court may be pleased to issue an order for auction of the above listed vehicles.

Station House Officer,
Anantapuram PS,
Anantapuram District.





For Private Circulation only

Model - XII

To
The Addl. Judicial Magistrate of First Class,
Ananthapuramu.

Sir,

Sub:- Owners /Legitimate claimants traced – Request to accord
permission to handover vehicles – Regarding.

-: oOo :-

It is to submit that, the following two wheelers are lying abandoned in the premises of Police Station of Ananthapuramu I Town since long time. After verifying the station records there is no information about the following vehicles. In this regard all efforts have been made out to trace out the owners of the abandoned vehicles through investigation which was provided by the Govt. of AP to the Police Department and also addressed letters to the concerned company showrooms as well as RTA authorities and the owners of the following vehicles are traced.

It is further submitted that some of the vehicles which were abandoned was seized by the then SHO, I town PS, Ananthapuramu and registered cases U/s 41,102 Cr.P.C and the seizure report was sent to the concerned Mandal Executive Magistrate as contemplated under law. Hence by taking the above facts and circumstances into consideration necessary orders may be passed for the handover of the vehicles to the legitimate claimant/owner.



For Private Circulation only

Model - XII

To
The Addl. Judicial Magistrate of First Class,
Ananthapuramu.

Sir,

Sub:- Owners /Legitimate claimants traced – Request to accord
permission to handover vehicles – Regarding.

-: oOo :-

It is to submit that, the following two wheelers are lying abandoned in the premises of Police Station of Ananthapuramu I Town since long time. After verifying the station records there is no information about the following vehicles. In this regard all efforts have been made out to trace out the owners of the abandoned vehicles through investigation which was provided by the Govt. of AP to the Police Department and also addressed letters to the concerned company showrooms as well as RTA authorities and the owners of the following vehicles are traced.

It is further submitted that some of the vehicles which were abandoned was seized by the then SHO, I town PS, Ananthapuramu and registered cases U/s 41,102 Cr.P.C and the seizure report was sent to the concerned Mandal Executive Magistrate as contemplated under law. Hence by taking the above facts and circumstances into consideration necessary orders may be passed for the handover of the vehicles to the legitimate claimant/owner.



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Sl. No	Type of Vehicle	Regn. No.	Chasis No.	Engine No.	Owner Particulars	Efforts made
1.	Hero Smart	AP02 K5723	3C94 8430	CCH011 731	Ramanjane-yulu G, s/o G.Onnurappa, 6/655/82-A, Maruthi Nagar, Ananthapura-mu.	Registered postal Letter was addressed to the owner to claim his vehicle.
2.	TVS Star City	AP02 Q2305	MD625 KF5371 D73090	BF5D 7114 4364	Anand B, S/O B Rangappa, 12-385-1, Sain-agar,	Registered postal letter was addressed to the owner to claim his vehicle.
3.	TVS Victor GL	AP02 K1513	N330 3F44 3420	N3303 M44 6129	Nagaraju Naik D, S/o D.Salya Naik, 13-2-341, Ward No.13, Ananthapura-mu	Registered postal Letter was addressed to the owner to claim his vehicle.



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4.	Hero Honda Splendor	AP28 AC89 27	01M2 0F159 77	01M 18E1 4621	Jagadish, S/O Balraj, 8-4-10,, RRD.	1) Letter addressed to RTO, Ananthapuramu for owner details.
						2) Letter addressed to company authorized dealer for purchaser details.
5.	Hero Honda Splendor	AP25 G1944	01B2 0F19 189	01B1 8E19 126	Surya Reddy K, S/o Kista Reddy, INA, INA, INA Ni- zamabad.	1) Letter addressed to RTO, Ananthapuramu for owner details.
						2) Letter addressed to company authorized dealer for purchaser details.



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6.	TVS Victor GL	AP03 L2529	N320 8F18 1477	N32 08M 182 731	Vijaya Ku- mar S, S/o S.Bramhachari, D.No.3-725, Thapovanam, Zeroge pet, A.Narayanapu- ram, Anantha- puramu.	1)Letter addressed to RTO, Anan- thapuramu for owner details. 2) Letter addressed to company authorized dealer for purchaser details.
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It is further submitted that mere keeping the above vehicles in the premises of Police station and the parts of the above vehicles will be damaged and No purpose will be served in keeping the vehicles idle in the police station premises. Hence by taking the above facts and circumstances in to consideration it is therefore prayed that the Honorable court may be pleased to permit me to hand over above vehicles to the the legitimate claimant/owner.

Yours faithfully,

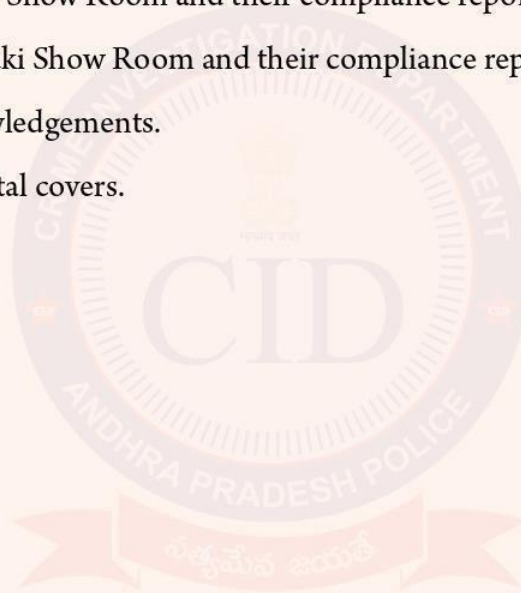
(K. Raghavan)
Inspector of Police,
Ananthapuramu I town PS.



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List of Enclosures:-

1. Letter to RTA authorities and their compliance report.
2. Letter to Hero Show Room and their compliance report.
3. Letter to Bajaj Show Room and their compliance report.
4. Letter to Yamaha Show Room and their compliance report.
5. Letter to TVS Show Room and their compliance report.
6. Letter to Suzuki Show Room and their compliance report.
7. Postal acknowledgements.
8. Returned postal covers.



For Private Circulation only

Model - XIII

To
The Addl. Judicial Magistrate of First Class,
Ananthapuramu.

Sir,

Sub:- Unclaimed property (No record for these vehicles) – Request
to accord permission to conduct open auction after thorough
verification by the transport officials –Regarding.

-: oOo :-

It is to submit that, the following two wheelers are lying abandoned in the premises of Police Station of Ananthapuramu I Town since long time. After verifying the station records there is no information about the following vehicles. In this regard all efforts have been made out to trace out the owners of the abandoned vehicles through investigation which was provided by the Govt. of AP to the Police Department and also addressed letters to the concerned company showrooms as well as RTA authorities, but the owners of the following vehicles not traced.

SL. No	Type of vehicle	Engine number	Chassis number	Registration number on the number plate
1.	Bajaj Kawasaki Caliber	DDMBGE60070	DDFBJU97950	Nil
2.	Bajaj Caliber	DMMBJJ62565	DDFBGE97722	AP02F2155



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3.	Bajaj Kawasaki 4S Champion	Nil	3NF61037773	AP9G5685
4.	Bajaj Discover	JKGBPE75040	M02DSJNZZ PCE65744	Nil
5.	Bajaj Pulsor	DHGBKL12643	DHVBKL13140	KA01V9921
6.	Hero Majestic Panther	Nil	CPB067272	NIL
7.	Hero Honda Splendor	99M17E13153	99M19F16189	NIL
8.	Suzuki Zeus	479182416	MBBNF4BBG 78121536	KA01EJ5493
9.	TVS Centra	N5010579	Nil	NIL
10.	TVS Max 100 R	Nil	7702H771884	AP26P4759
11.	TVS Victor	N3210M248419	N3210F246605	AP34J3221
12.	TVS Victor GL	OF1N4131580	MD625AF1641 N46892	AP02J5468
13.	Yamaha Libero G5	5TS4055740	06B5TS4055740	NIL
14.	Yamaha RX 135	1D1017786	1L1017786	NIL
15.	Yamaha YBX	4LSO46255	00A4LS046255	NIL



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Further no purpose will be served by keeping the above vehicles in the premises of Police station and the parts of the above vehicles will be damaged. No purpose will be served in keeping the vehicles idle in the police station premises.

Hence by taking the above facts and circumstances in to consideration it is therefore prayed that the Honorable court may be pleased to permit me to conduct open auction of the above vehicles after observing the due process of law in the interest of justice.

Yours faithfully,

(K. Raghavan)

Inspector of Police,
Ananthapuramu I town PS.

List of Enclosures:-

1. Letter to RTA authorities and their compliance report.
2. Letter to Hero Show Room and their compliance report.
3. Letter to Bajaj Show Room and their compliance report.
4. Letter to Yamaha Room and their compliance report.
5. Letter to TVS Show Room and their compliance report.



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Model - XIV

**IN THE COURT OF ADDL.JUDICIAL MAGISTRATE OF
FIRST CLASS, ANANTAPURAMU**

Present : Sr.M. BHUJAPPA

Addl.Judl. Magistrate of First Class, Anantapuramu.

Saturday, the 7th of November, 2015

Cr.M.P.No.3574/2015 requisition filed by I Town PS, Anantapuramu

Between:

State : represented by Inspector of Police,
Anantapuramu I Town Police Station.

....Petitioner

and

State represented by Assistant Public Prosecutor

.....Respondent

This petition was come up on this day for hearing before me in the presence of Assistant Public Prosecutor for the state and upon hearing and perusal of record and this matter having stood over for consideration till this day, this Court passed the following:

ORDER

This is a requisition appears to be moved as per section 457 Cr.P.C. for disposal of the abandoned crime vehicles enlisted in the requisition.

- 1) Heard the learned Assistant Public Prosecutor. The learned Assistant Public Prosecutor submitted that the list furnished by police officer in the requisition shown are found to be abandoned vehicles which were seized by the police somewhere and none of the vehicle owners came to claim property either



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before the petitioner or before the court and even vehicle bearing number and insurance particulars coupled with registration number found to be clumsy and it is not possible for the police to ascertain all the real owners of the property since those numbers, Engine numbers and registration number and insurance numbers are found contrary even though several efforts are made by the police through “third eye” and by addressing letters to the insurance company and to the RTO who in turn expressed nothing and produced no ownership of the vehicle and thus it is difficult for the police of one town to monitor such abandoned vehicles in the police station premises and these abandoned vehicles are occupied larger portion of premises which is inconvenient for the commuters or visitors of the police station and also property losing its worthiness as they are lying long back exposing to sun rays, rain and other atmosphere and if the situation is continued, there is every probability of roadworthiness of these vehicles may be lost peril and prays the court to pass the order by directing one town police officer to mention all particulars of every vehicle and its worth separately to conduct auction and to remit the amount into court account for the purpose of confiscation and petitioner relied upon the judgment reported in Sunderbhai Ambalal Desai Versus State of Gujarat (2002) 10 S.C.283, judgment of Hon’ble Supreme Court in between General Insurance Council and others Vs. State of Andhra Pradesh General Insurance Counsel and others Vs. State of AP and others vide Writ Petition No.14/2008.

- 2) Heard Assistant Public Prosecutor. Perused the record supplicated by the petitioners.
- 3) Is there any justifiable ground exist to allow the requisition / this petition directing to empower one town police station, Anantapuramu to auction the abandoned vehicles enlisted in the petition and remit the same proceeds into court for confiscation?



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4) **Point:**

Requisition of Inspector of Police, one town police station, Anantapuramu which enlisted 15 vehicles are found abandoned at police station and none of the claimants approached the police for taking back these vehicles respectively, as such they remained in the police station premises for long time by exposing sun rays, rain and other atmosphere changes, as such its road worthiness gradually decrease and thus this present petition is moved after making all efforts by one town police. The requisition further indicates one town police officer made efforts to proceed to trace out the owners by way of software provided to the police wing namely "third eye" and also made personal requisition to the Transport Commissioner, Anantapuramu and to the various insurance companies for ascertain the ownership and to trace out the real owners but his efforts are gone in vain due to reasons of chassis number, engine number and registration number are mismatched since they seems to be fabricated numbers to the vehicles and thus it is highly difficult for the police officer / one town police station to ascertain the real owners to entrust these vehicles to them. So these vehicles are absolutely abandoned vehicles.

In Sunderbhai Ambhalal Desai Vs. State of Gujarath (2002) 10 S.C. 283 coupled with the judgment of Hon'ble Supreme Court between the General Insurance Counsel Vs. State of Andhra Pradesh delivered in Writ Petition 14/2008 when clubbed and read together the Hon'ble Supreme Court clearly observed that "In case of abandoned vehicles, the magistrate is empowered to pass appropriate orders to return of he vehicles to the original owner, if original owner is not found to the Insurance Company with whom the said vehicles said to be insured or if none claims ordered to be sold in auction.

- 5) In view of the Hon'ble Supreme Court observation and as there is necessitated by the one town police station to clear off these vehicles from their premises and in the best interest of nation and justice as the one town



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police had taken all steps prior to filling this application before this court by addressing a letter to the various persons including to the RTO Office then it is pertinent to allow this petition directing the police of one town to conduct auction and remit the sale proceeds into the court for confiscation.

- 6) Further prior to conducting auction, the said one town inspector of police directed to ascertain the actual worth of each vehicle by getting appraisal certificate from the RTO. After getting the same draft the mahazar in detail in presence of two witnesses by mentioning the number of vehicle and taking photograph of the same and in case any true owner comes to claim the property at least there is a chance for the sale proceeds be given to him. After completion of auction, the Inspector of police, Anantapuramu, One Town Police Station shall submit the detailed report and remit the sale proceeds of each vehicle shall be deposited into this court for confiscation to the State. Accordingly, this petition is disposed of.
- 7) In the result, the petition is allowed accordingly.

Dictated to Personal Assistant, transcribed by him corrected and pronounced by me in open Court, this the 7th day of November, 2015.

Sd/- 7.11.15

Addl. Judl. Magistrate of First Class,
Anantapuramu.

Copy submitted to the Hon'ble Ist Additional District Judge, Anantapuramu for favour of information.

Copy to the Regional Transport Officer, Anantapuramu for appraisal of the vehicles value.

Copy to the Station House Officer, One Town PS, Anantapuramu.



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Model - XV

AUCTION NOTICE

The following two wheelers which are abandoned in the premises of the police station of Ananthapuramu I town since long time. The same are put in public auction as per the orders of Hon'ble Addl. Judicial Magistrate of First Class, Ananthapuramu in CrI. M.P. No. 3574/2015, dt. 7-11-2015. The auction is held on 28-11-2015 in the premises of I Town Police Station of Ananthapuramu at 10.30 AM on 28-11-2015.

Sl. No.	Type of vehicle	Engine No.	Chassis No.	Registration No. on the Number Plate
1	Bajaj Kawasaki Caliber	DDMBGE60070	DDFBJU97950	Nil
2	Bajaj Caliber	DMMBJJ62565	DDFBGE722	AP 02 F 2155
3	Bajaj Kawasaki 4 S Champion	Nil	3NF61037773	AP 09 G 5685
4- 13	xxxx	xxxx	Xxxx	xxxx

The above vehicle are auctioned in public auction in the premises of SHO I Town PS, Ananthapuramu those who are willing to participate in the auction can enroll their names before SHO, Ananthapuramu by 10.30 AM on 28-11-2015.

Station House Officer,
Ananthapuram

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Copies to the notice boards of:

- 1) District Collector
- 2) MVI Office
- 3) All Police Stations in the town
- 4) Municipal Corporation Notice Board
- 5) AJFCM Court, Ananthapuramu



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FORM-I

Auction Register

Sl. No.	Details of Property	PS reference No.	Court reference No.	Date of Auction	Successful bidder	Remitted in Court / Treasury	Remittal reference No.	Action taken by SHO
1	2	3	4	5	6	7	8	9





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FORM-II

Court Property Register

Sl. No.	Details of Property	Cr. No.	Sec. of Law	Date of Seizure	Seized by whom	Where seized	Date of deposit in Court	CPR No.	Interim Custody Order	Final Order	Remarks by SHO
1	2	3	4	5	6	7	8	9	10	11	12

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FORM-III

Register of Property received from other Departments

Sl. No.	Details of Property	Date of receipt	Handed over by whom	Sec. of Law if any	Reference No.	Disposal	Remarks / Action taken by SHO
1	2	3	4	5	6	7	8



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Cr.PC Provisions on Disposal of Property

- Disposal of crime property is dealt in Sec.451 to Sec.459 of Chapter XXXIV of Criminal Procedure Code 1973 (Cr.PC).
- While Sec 452 Cr.P.C. deals with disposal of property after conclusion of trial, Sec 451, 457, 458 and 459 deal with (interim) custody or disposal of property pending trial.
- Sec 451 is a general Section disposal of properties of all categories before conclusion of trial.
- *Sec 451: When a property is produced before a Criminal Court during any inquiry or trial, the Court may make order for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court may, after recording such evidence, order it to be sold or otherwise disposed of.*
- Further, Sec 457 deals with disposal of property when there is a lawful claimant for the property in question.
- *Whenever seizure of property by a police officer is reported to a Magistrate, the latter may make order for disposal of such property or the delivery of such property to the person entitled to the possession thereof.*
- Sec 458 lays down the procedure for disposal of the property when there is no claimant to the said property.
- *If no person within six months establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the Magistrate may by order direct that such property shall be at the disposal of the State Government and may be sold by that Government and the proceeds of such sale shall be dealt with in such manner as may be prescribed.*



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- Sec 459 deals with power of the court to sell the property when the latter is perishable.

If the person entitled to the possession of such property is un- known or absent and the property is subject to speedy and natural decay, or if the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, the Magistrate may direct it to be sold; and the provisions of sections 457 and 458 shall apply to the net proceeds of such sale.





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Court Judgements

Court Order-I

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Special Leave Petition (crl.) 2745 of 2002

Sunderbha1 Ambalal Desai

..... Petitioner:

Vs

State of Gujarat

..... Respondent:

DATE OF JUDGMENT: 01/10/2002

BENCH:

M.B. SHAH & D.M. DHARMADHIKARI

JUDGMENT

2002 Supp(3) SCR 39

The following Order of the Court was delivered:

In these two petitions filed by the police inspectors serving the Gujarat State, it has been contended that prosecuting agency has no right to ask for remand of petitioners (accused) for the purpose of collecting evidence and the application moved for remand of the petitioner (accused) was unjustified because anticipatory bail was granted to them.



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It is the prosecution version, as per the FIR lodged on 7.2.2002 by the Assistant Commissioner of Police 'D' Division, Surat that petitioners and other police personnel are involved in offences punishable under Sections 429, 420, 465, 468, 477-A and 114 IPC. It is alleged that when they were working at various police stations, they have committed offences during the period from 20.2.1992 to 23.11.2001 by replacement of mudammal articles including golden ornaments by other spurious articles, misappropriation of the amount which was kept at the police station, unauthorised auction of the property which was seized and kept in the police custody pending trial and tampering with the records of police station. The High Court by its judgment and order dated 20.6.2002 rejected the application against the order passed by the trial court granting remand of the petitioner. Hence, these special leave petitions.

At the time of the hearing of these matters, learned counsel for the parties submitted that various articles are kept at the police station for a long period by not adhering to the procedure prescribed under Cr.P.C., which creates difficulties for keeping them in safe custody. Finally, the sufferers are-either the State exchequer or the citizens whose articles are kept in such custody. It is submitted that speedier procedure is required to be evolved either by the Court or under the rules for disposal of muddamal articles which are kept at various police stations as most of the police stations are flooded with seized articles. It is, therefore, submitted that directions be given so that burden of the Courts as well as at the police station can, to some extent, be reduced and that there may not be any scope for misappropriation or of replacement of valuable articles by spurious articles.

Learned counsel further referred to the relevant Sections 451 and 457 of Code of Criminal Procedure, which read thus -

"451. Order for custody and disposal of property pending trial in certain cases.-When any property is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or



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trial, and. if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

Explanation-For the purposes of this section, “property” includes (a) property of any kind or document which is produced before the Court or which is in its custody.

(b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.

457. Procedure by police upon seizure of property.-

- (1) Whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code, and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property.
- (2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.”

Section 451 clearly empowers the Court to pass appropriate orders with regard to such property, such as-

- (1) for the proper custody pending conclusion of the inquiry or trial;
- (2) to order it to be sold or otherwise disposed of, after recording such evidence as it think necessary;



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(3) if the property is subject to speedy and natural decay, to dispose of the same.

It is submitted that despite wide powers proper orders are not passed by the Courts. It is also pointed out that in the State of Gujarat there is Gujarat Police Manual for disposal and custody of such articles. As per the Manual also, various circulars are issued for maintenance of proper registers for keeping the muddamal articles in safe custody. In our view, the powers under Section 451 Cr.P.C. should be exercised expeditiously and judiciously. It would serve various purposes, namely:-

1. Owner of the article would not suffer because of its remaining unused or by its misappropriation.
2. Court or the police would not be required to keep the article in safe custody;
3. If the proper panchanama before handing over possession of article is prepared, that can be used in evidence instead of its production before the Court during the trial. If necessary, evidence could also be recorded describing the nature of the property in detail; and
4. This jurisdiction of the Court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.

The question of proper custody of the seized article is raised in number of matters. In *Smt. Basawa Kom Dyanmangouda Patil v. State of Mysore and Anr.*, [1977] 4 SCC 358, this Court dealt with a case where the seized articles were not available for being returned to the complainant. In that case, the recovered ornaments were kept in a trunk in the police station and later it was found missing, the question was with regard to payment of those articles. In that context, the Court observed as under-



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“4. The object and scheme of the various provisions of the Code appear to be that where the property which has been the subject-matter of an offence is seized by the police, it ought not to be retained in the custody of the Court or of the police for any time longer than what is absolutely necessary. As the seizure of the property by the police amounts to a clear entrustment of the property to a Government servant, the idea is that the property should be restored to the original owner after the necessity to retain it ceases. It is manifest that there may be two stages when the property may be returned to the owner. In the first place it may be returned during any inquiry or trial. This may particularly be necessary where the property concerned is subject to speedy or natural decay. There may be other compelling reasons also which may justify the disposal of the property to the owner or otherwise in the interest of justice. The High Court and the Sessions Judge proceeded on the footing that one of the essential requirements of the Code is that the articles concerned must be produced before the Court or should be in its custody. The object of the Code seems to be that any property which is in the control of the Court either directly or indirectly should be disposed of by the Court and a just and proper order should be passed by the Court regarding its disposal. In a criminal case, the police always acts under the direct control of the Court and has to take orders from it at every stage of an inquiry or trial. In this broad sense, therefore, the Court exercises an overall control on the actions of the police officers in every case where it has taken cognizance.”

The Court further observed that where the property is stolen, lost or destroyed and there is no prima facie defence made out that the State or its officers had taken due care and caution to protect the property, the Magistrate may, in an appropriate case, where the ends of justice so require, order payment of the value of the property.

To avoid such a situation, in our view, powers under Section 451 Cr.P.C. should be exercised promptly and at the earliest.



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Valuable Articles and Currency Notes

With regard to valuable articles, such as golden or silver ornaments or articles studded with precious stones, it is submitted that it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted. In such cases, Magistrate should pass appropriate orders as contemplated under Section 451 Cr.P.C. at the earliest.

For this purposes, if material on record indicates that such articles belong to the complainant at whose house theft, robbery or dacoity has taken place, then seized articles be handed over to the complainant after:-

- (1) preparing detailed proper panchanama of such articles:
- (2) taking photographs of such articles and a bond that such articles would be produced if required at the time of trial; and
- (3) after taking proper security.

For this purpose, the Court may follow the procedure of recording such evidence, as it thinks necessary, as provided under Section 451 Cr.P.C. The bond and security should be taken so as to prevent the evidence being lost, altered or destroyed. The Court should see that photographs or such articles are attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Still however, it would be the function of the Court under Section 451 Cr.P.C. to impose any other appropriate condition.

In case, where such articles are not handed over either to the complainant or to the person from whom such articles are seized or to its claimant, then the Court may direct that such articles be kept in bank lockers. Similarly, if articles are required to kept in police custody, it would be open to the SIO after preparing proper panchnama to keep such articles in a bank locker. In any case, such articles should be produced before the Magistrate within a week of their seizure. If required, the Court may direct that such articles be handed over back



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to the Investigating Officer for further investigation and identification, However, in no set of circumstances, the Investigating Officer should keep such articles in custody for a longer period for the purpose of investigation and identification. For currency notes, similar procedure can be followed.

Vehicles

Learned senior counsel Mr. Dholakia, appearing for the State of Gujarat further submitted that at present in the police station premises, number of vehicles are kept unattended and vehicles become junk day by day. It is his contention that appropriate directions should be given to the Magistrates who are dealing with such questions to hand over such vehicles to its owner or to the person from whom the said vehicles are seized by taking appropriate bond and the guarantee for the return of the said vehicles if required by the Court at any point of time.

However, the learned counsel appearing for the petitioners submitted that this question of handing over vehicles to the person from whom it is seized or to its true owner is always a matter of litigation and a lot of arguments are advanced by the concerned persons.

In our view, whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.

In case where the vehicle is not claimed by the accused, owner, or the insurance company or by third person, then such vehicle may be ordered to be auctioned by the Court. If the said vehicle is insured with the insurance company then insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner or a third person. If Insurance company



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fails to take possession, the vehicles may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of the said vehicle before the Court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.

For articles such as seized liquor also, prompt action should be taken in disposing it of after preparing necessary panchnama. If sample is required to be taken, sample may kept properly after sending it to the chemical analyser, if required. But in no case, large quantity of liquor should be stored at the police station. No purpose is served by such storing.

Similarly for the Narcotic drugs also, for its identification, procedure under Section 451 Cr.P.C. should be followed of recording evidence and disposal. Its identity could be on the basis of evidence recorded by the Magistrate. Samples also should be sent immediately to the Chemical Analyser so that subsequently, a contention may not be raised that the article which was seized was not the same.

However these powers are to be exercised by the concerned Magistrate. We hope and trust that the concerned Magistrate would take immediate action for seeing that powers under Section 451 Cr.P.C. are properly and promptly exercised and articles are not kept for a long time at the police station, in any case, for not more than fifteen days to one month. This object can also be achieved if there is proper supervision by the Registry of the concerned High Court in seeing that the rules framed by the High Court with regard to such articles are implemented properly.

Adjourned for three weeks.

New Delhi.
October 01, 2002.



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Court Order-II

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Special Leave Petition (crl.) 2745 of 2002

Sunderbha1 Ambalal Desai

.....Petitioner:

Vs

State of Gujarat

..... Respondent:

DATE OF JUDGMENT: 18/11/2002

BENCH:

M.B. SHAH & D.M. DHARMADHIKARI

JUDGMENT

JUDGMENT 2002 Supp(4) SCR 217

The following Order of the Court was delivered :

Heard learned counsel for the parties.

In our view, no further directions are required to be given in these matters. However, it is made clear that in case where accused dispute that he is not involved in the alleged incident and no article was found from him then such endorsement be taken on the photograph. Further with regard to the vehicle also, it is made clear

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that there may not be any necessity of producing the vehicle before the Court and the Seizure Report may be sufficient. The Special Leave Petitions are disposed of, accordingly.

New Delhi.

November 18, 2002.





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Court Order-III

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. 14 OF 2008**

General Insurance Council & Ors.

.....Petitioners

Versus

State of Andhra Pradesh & Ors.

..... Respondents

J U D G M E N T

Deepak Verma, J.

- 1) Even though the question projected in this petition filed under Article 32 of the Constitution of India stands answered by a judgment of two learned judges of this Court reported in (2002) 10 SCC 283 titled Sunderbhai Ambalal Desai Versus State of Gujarat pertaining to interpretation and mode of implementation of Sections 451 and 457 of the Code of Criminal Procedure, 1973 (hereinafter shall be referred to as 'the Code'), but on account of certain grey areas having been left untouched, which still cast clouds on the question, this petition has been filed for further directions, orders and clarifications.
- 2) Petitioner No.1, General Insurance Council has been constituted under Section 64 C (b) of the Insurance Act, 1938 consisting of all the members and associate members of the association as envisaged in Section 64A of the said Act, who carry on general insurance business in India and are being



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represented by Petitioner No. 1 and have been arrayed as Petitioner Nos. 2 to 5 in the said petition.

- 3) According to them, there has been a gross violation of fundamental rights as conferred on them under Articles 14 and 19 of the Constitution of India. Thus, they are constrained to approach this Court directly by filing a petition under Article 32 of the Constitution of India. They further contended that despite the directions passed by this Court in *Sunderbhai Ambalal Desai (supra)*, as also in W.P. (C) No. 282 of 2007 titled *General Insurance Council and Others Vs. State of Andhra Pradesh and Others*, decided on 09.07.2007, there has not been full and complete compliance of the same. Therefore, they have once again approached this Court for issuing further directions so that national waste with regard to the seized vehicles involved in commission of various offences may not become junk and their road worthiness be maintained.
- 4) According to the Petitioners, the report of 2005 of NCRB, 84,675 vehicles were reported lost, out of which 24,918 vehicles were recovered by the police and out of these, only 4,676 vehicles were finally co-ordinated. As a result, several hundred crores worth of assets were lost. Further, by the time the recovered vehicles are released, the same are reduced to junk at the respective police stations. In other words, Petitioners have prayed that national waste that is being caused could be substantially reduced, curbed and eliminated to a great extent. Keeping in view the aforesaid facts in mind, they have filed this Writ Petition.
- 5) In *Sunderbhai Ambalal Desai (supra)*, the Supreme Court was primarily dealing with provisions of Sections 451 and 457 of the Code. While quoting the aforesaid two provisions of the Act in the judgment, it was observed in para 7 as under:-

“7. In our view, the powers under Section 451 Cr PC should be exercised expeditiously and judiciously. It would serve various purposes, namely:



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1. owner of the article would not suffer because of its remaining unused or by its misappropriation;
 2. court or the police would not be required to keep the article in safe custody;
 3. if the proper panchnama before handing over possession of the article is prepared, that can be used in evidence instead of its production before the court during the trial. If necessary, evidence could also be recorded describing the nature of the property in detail; and
 4. this jurisdiction of the court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.”
- 6) To safeguard the interests of the prosecution, it was directed that following measures should be adopted giving instances contained in para 12 reproduced herein below:
- “12 For this purpose, if material on record indicates that such articles belong to the complainant at whose house theft, robbery or dacoity has taken place, then seized articles be handed over to the complainant after:
1. preparing detailed proper panchnama of such articles;
 2. taking photographs of such articles and a bond that such articles would be produced if required at the time of trial; and (3) after taking proper security.”
- 7) While dealing with the seized vehicles from time to time by the police either in commission of various offences or abandoned vehicles or vehicles which are recovered during investigation of complaint of thefts, the court observed as under:-
- “17. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and



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guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.

18. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by a third person, then such vehicle may be ordered to be auctioned by the court. If the said vehicle is insured with the insurance company then the insurance company be informed by the court to take possession of the vehicle which is not claimed by the owner or a third person. If the insurance company fails to take possession, the vehicles may be sold as per the direction of the court. The court would pass such order within a period of six months from the date of production of the said vehicle before the court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.”
- 8) Since it appeared to the Petitioners that despite the said directions, the requirements of the Petitioners were not being fulfilled, they were constrained to file W.P (C) No. 282 of 2007 titled General Insurance Council and Others Vs. State of Andhra Pradesh and Others, decided on 09.07.2007 by a coordinate Bench of two learned Judges of this Court.
- 9) In this second round of litigation before this Court, a direction was sought with regard to compliance of Section 158 (6) of the Motor Vehicles Act, 1988 in short ‘the M.V. Act’ and Rule 159 of the Central Motor Vehicles Rules, 1989 in short, ‘the Rules’.
- 10) This Court in the said matter after considering the issue came to the following conclusion:-

“Since there is a mandatory requirement to act in the manner provided in Section 158 (6) there is no justifiable reason as to why the requirement is not being followed.



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It is, therefore, directed that all the State Governments and the Union Territories shall instruct, if not already done, all concerned police officers about the need to comply with the requirement of Section 158 (6) keeping in view the requirement indicated in Rule 159 and in Form 54. Periodical checking shall be done by the Inspector General of Police concerned to ensure that the requirements are being complied with. In case there is non-compliance, appropriate action shall be taken against the erring officials. The Department of Transport and Highway shall make periodical verification to ensure that action is being taken and in case of any deviation immediately bring the same to the notice of the concerned State Government/Union Territories so that necessary action can be taken against the concerned officials.”

The writ petition is accordingly disposed of.”

- 11) Despite the aforesaid directions having been issued by this Court in the aforesaid two matters, grievance is still being made by the Petitioners, that the police, investigating agency and the prosecuting agency are not taking appropriate and adequate steps for compliance of aforesaid directions issued by this Court. Therefore, a need has arisen for giving further directions so as to clear the clouds and iron out the creases.
- 12) Notice of the said petition was issued to all the States and Union Territories. Almost all the States have contended that they have already issued necessary guidelines and directions for full and complete compliance of the provisions contained in Sections 451 and 457 of the Code as elaborated in Sunderbhai Ambalal Desai (supra) as also under Section 158 (6) of the M.V. Act and 159 of the Rules as directed in General Insurance Council case (supra). Thus, in one voice, they have contended that there would not be any difficulty in compliance of the directions that may be issued in furtherance of achieving the object as directed by this Court. Thus, in our view, there appears to be consensus in this matter.



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- 13) Petitioners have submitted that information with regard to all insured vehicles in the country is available with the Insurance Information Bureau created by IRDA. This information could be utilised to assist the police to identify the insurer of the vehicle. Upon recovery of the vehicle in police station, insurer/ complainant can call an All India Toll Free No. to be provided by Insurance Information Bureau to give the information of the recovered vehicle. Thereafter, the insured vehicle database would be searched to identify the respective insurer. Upon such identification, this information can be communicated to the respective insurer and concerned police stations for necessary coordination.
- 14) In our considered opinion, the aforesaid information is required to be utilised and followed scrupulously and has to be given positively as and when asked for by the Insurer. We also feel, it is necessary that in addition to the directions issued by this Court in *Sunderbhai Ambalal Desai (supra)* considering the mandate of Section 451 read with Section 457 of the Code, the following further directions with regard to seized vehicles are required to be given.
- “(A) Insurer may be permitted to move a separate application for release of the recovered vehicle as soon as it is informed of such recovery before the Jurisdictional Court. Ordinarily, release shall be made within a period of 30 days from the date of the application. The necessary photographs may be taken duly authenticated and certified, and a detailed panchnama may be prepared before such release.
- (B) The photographs so taken may be used as secondary evidence during trial. Hence, physical production of the vehicle may be dispensed with.



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- (C) Insurer would submit an undertaking/guarantee to remit the proceeds from the sale/auction of the vehicle conducted by the Insurance Company in the event that the Magistrate finally adjudicates that the rightful ownership of the vehicle does not vest with the insurer. The undertaking/guarantee would be furnished at the time of release of the vehicle, pursuant to the application for release of the recovered vehicle. Insistence on personal bonds may be dispensed with looking to the corporate structure of the insurer.”
- 15) It is a matter of common knowledge that as and when vehicles are seized and kept in various police stations, not only they occupy substantial space of the police stations but upon being kept in open, are also prone to fast natural decay on account of weather conditions. Even a good maintained vehicle loses its road worthiness if it is kept stationary in the police station for more than fifteen days. Apart from the above, it is also a matter of common knowledge that several valuable and costly parts of the said vehicles are either stolen or are cannibalised so that the vehicles become unworthy of being driven on road. To avoid all this, apart from the aforesaid directions issued hereinabove, we direct that all the State Governments/ Union Territories/ Director Generals of Police shall ensure macro implementation of the statutory provisions and further direct that the activities of each and every police stations, especially with regard to disposal of the seized vehicles be taken care of by the Inspector General of Police of the concerned Division/ Commissioner of Police of the concerned cities/ Superintendent of Police of the concerned district.



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- 16) In case any non-compliance is reported either by the Petitioners or by any of the aggrieved party, then needless to say, we would be constrained to take a serious view of the matter against an erring officer who would be dealt with iron hands. With the aforesaid directions, this writ petition stands finally disposed of.

.....J.
[P.SATHASIVAM]

.....J.
[DEEPAK VERMA]

New Delhi.
April 19, 2010





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Other Important Judgments.

1. Madras High Court: Lenovo India Pvt. Ltd., Vs State of Tamil Nadu (Crl. O.P. No. 27812 of 2013, dt. 20-11-2013).

"The words subject to speedy and natural decay" can not be restricted to perishable items alone. There are various items of properties which are subject to deterioration may also set in speedily. A brand new vehicle or any kind of vehicle or any electronic item may come under the category. If computers or other electronic items are kept as it is, naturally, they will lose their utility value.

2. Delhi High Court: Manjit Singh Vs State of Delhi (Crl. M.C. No. 4485/2013 and Crl. M.A. No. 16055/2013, dt. 10-09-2014).

In this case, Delhi High Court gave elaborate directions with regard to disposal of various categories of properties lying in PSs. The court considered the provisions of Delhi Police Act, Delhi Police Manual, Delhi High Court Rules, Cr.PC, etc., while issuing directions, especially to immediately dispose the pending properties including those without any record.

Annexure C

Basic practice of QRC

- Fill the property Identification form to generate the QR Code
- Go to <http://www.pinsappolice.com/>



The screenshot shows the PINS website interface. At the top, there is a header with the PINS logo and the text "PROPERTY IDENTIFICATION & NETWORKING SYSTEM". Below the header is a navigation bar with links: Home | Generate QR Code | Print QR Code | View Reports | Update Info | FAQs. The main content area is titled "START QR CODE PRACTICE IN POLICE STATIONS !!". It features six interactive buttons arranged in a 2x3 grid:

- Generate QR Code**: Fill the Property ID form to generate the QR Code.
- Print QR Code**: Compare data and print generated QR Code.
- View Reports**: View Reports from start date to end date.
- Update QR Coded Information**: Search for vehicle and modify/update the info to current status.
- Update Pendency/ Disposal**: update overall vehicle statistics in three spreadsheets.
- View / Monitor Statistics**: View /Update unit wise and subdivision wise statistics.

On the right side, there is a "HELP LINE" section with a red circular badge stating "FORMALLY LAUNCHED BY DGP ON 2nd NOVEMBER 2016". Below this, a yellow box lists "SIX STEPS TO ADOPT QR CODE IN YOUR POLICE STATIONS" with steps 1 through 6.

➤ To Generate QR Code

Secure | <https://pinsappolice.com/qrcode/gencode.php>

 **PROPERTY IDENTIFICATION & NETWORKING SYSTEM** 

[Home](#) | [Generate QR Code](#) | [Print QR Code](#) | [View Reports](#) | [Update Info](#) | [FAQs](#)

PROPERTY IDENTIFICATION FORM

Type of Property	Enter Type of Property	Photo Upload Upload Photo
Make	Enter Make	
FIR No.	Enter FIR No.	
Section of Law	Enter Section of Law	
PS & Dist	Select PS & Dist	
Engine/Model/Id No.	Enter Engine/Model/Id No.	
Chassis No.	Enter Chassis No.	
Registration No.	Enter Registration No.	
Date of Detention	Enter Date of Detention	
Seizing Officer Name & Designation	Enter Seizing Officer Name & Designation	
Submit Clear		

➤ To view & print the QR Code

Secure | https://pinsappolice.com/qrcode/qrcodes.php
🔍 ☆



PROPERTY IDENTIFICATION & NETWORKING SYSTEM



[Home](#) | [Generate QR Code](#) | [Print QR Code](#) | [View Reports](#) | [Update Info](#) | [FAQs](#)

From Date:
To Date:
Submit
Cancel
Print

Found Vehicles - 19
Total - 14076

Sl.No	Type of Property	QR Code	Photo	Created Date&Time	Action
1.	SEIZED LORRY			12-Jan-2017 01:27 pm	Print
2.	SEIZED LORRY			12-Jan-2017 01:13 pm	Print
3.	Lorry			12-Jan-2017 01:10 pm	Print
4.	SEIZED AUTO			12-Jan-2017 01:08 pm	Print
5.	bike			12-Jan-2017 12:40 pm	Print

➤ Scanning with Phone or Tab



Type of Property	: Two Wheeler
Make	: Yamaha
FIR No.	: Petty Case No.423/2016
Section of Law	: Sec.185 A MV Act
PS & Dist	: Pattabhipuram PS Guntur Urban
Engine/Model/Id No.	: G3C7E0064354
Chassis No.	: ME1RG0623G0012606
Registration No.	: AP07CV3007
Date of Detention	: 17-Oct-2016
Seizing Officer Name & Designation	: CH. KOTESWARA RAO, INSPECTOR OF POLICE, PATTABHIPURAM PS

➤ To View Vehicle report start date – end date



PROPERTY IDENTIFICATION & NETWORKING SYSTEM



[Home](#) | [Generate QR Code](#) | [Print QR Code](#) | [View Reports](#) | [Update Info](#) | [FAQs](#)

From Date: To Date:

Found Vehicles - 18
Total - 14075

Sl.No	Type of Property	Make	FIR No.	Section of Law	PS & Dist	Engine/Model/Id No.	Chassis No.	Registration No.	Date of Detention	Seizing Officer Name & Designation	Photo	Created Date&Time
1.	SEIZED LORRY	ASHOK LEYLAND	03/2017	420 IPC & SEC 7 OF EC ACT	NANDIGAMA PS & KRISHNA DIST	XBE144751Z	MB1KADYCTBEXF0081	AP16TY7368	02-Jan-2017	M TULASI RAMA KRISHNA, SI OF POLICE NANDIGAMA PS		12-Jan-2017 01:13 pm
2.	Lorry	Tatamotor	01/2017	370IPC&Sec 21 (1) MMDR Act	Sabbavaram & Vsakha patnam	697Tc56jsz140852	373135jsz737810	AP31 Tu0839	10-Jan-2017	Asi-1216 T.Krishna murthy		12-Jan-2017 01:10 pm
3.	SEIZED AUTO	APE PIAGGIO	10/2017	302, 201 riw 34 IPC	NANDIGAMA PS & KRISHNA DIST	W1C3204661	MBX00002FMC266085	AP16TY6828	11-Jan-2017	KVVN SATYANARAYANA INSPECTOR OF POLICE, NANDIGAMA PS		12-Jan-2017 01:06 pm
4.	bike	HERO MOTO CROP LTD	567/16	302riw 34 ipc	nallapadu ps&guntur urban dist	HA10ERGH85792	MBLHA10CGGHH74497	AP07CY1993	12-Jan-2017	k.srinivasarao & Inspector of police		12-Jan-2017 12:40 pm
5.	BIKE	Hero honda motors	567/16	302riw34ipc	Nallapadu&guntur urban dist	07A08M42034	07A09C19995	AP07AQ0042	12-Jan-2017	k.srinivasarao&Inspector of police		12-Jan-2017 12:36 pm
6.	Lorry	Tata Motors	01/2017	379 IPC & SEC 21 (1) MMDR Act	Sabbavaram & Vsakhapatnam	697TC56BSZ106793	373134BSZ301638	A16TG7970	01-Jan-2017	Asi1216 T.Krishna murthy		12-Jan-2017 12:34 pm
7.	AUTO	bajaj auto ltd	567/16	302riw34 ipc	Nallapadu&guntur urban dist	bazwdf37391	MDZA26AZXDWF40213	AP27TW5432	12-Jan-2017	k.srinivasarao&insepctor of police		12-Jan-2017 12:28 pm

Update info

➤ To Update the Vehicle record and Statistics

<https://pinsappolice.com/qrcode/updateinfo.php>



PROPERTY IDENTIFICATION & NETWORKING SYSTEM



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Update
Vehicle Record



Update
Vehicle Statistics

➤ **To Update the QR Coded Vehicle record**

Step 1: By entering any field

[Reg.No /Engine No/Chassis No]

https://pinsappolice.com/qrcode/update.php

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Chassis No.	Enter Chassis No.	Search
	OR	
Registration No.	Enter Registration No.	Search
	OR	
Engine/ModelId No.	Enter Engine/ModelId No.	Search

Step 2: Update/ Modify the QR Coded record

NETWORKING SYSTEM

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Type of Property	TWO WHEELER	Photo Upload Upload Photo
Make	HERO HONDA SPL PLUS	
FIR No.	NIL	
Section of Law	NIL	
PS & Dist	ANANTHAPURAMU	
Engine/ModelId No.	Q6A151103669	
Chassis No.	Q6A16C03398	
Registration No.	AP28AQ3571	
Date of Detention	11-Jun-2013	
Seizing Officer Name & Designation	DEVANAND INSPECTOR OF POLICE, ATP III TOWN PS	
Submit Clear		

(Acknowledgement: Shri N. Sanjay , IG, Guntur Range, AP Police)