**Petition format to release accident vehicle from seized by Police, from Police Custody, with Affidavit.**

**Petition to Court to release seized vehicle from the Custody of Police.**

Generally there are three type of motor accidents. The amount of damage caused in the accident ascertains the legal procedure to be followed after the accident. The types of damage caused by the accident are:

1. Accident causing no damage

2. Accident with minor damage

3. Accident with Major injuries likely to cause or result in the death of the victim.

In case of an accident when the police seize the vehicle for the purpose of investigation or an inquiry and file a case, the owner or any other person authorized by him can file an application to get back his vehicle during the proceedings under Section 451 of CrPC. When the trial is pending in the court the owner of the vehicle can file an application annexed with documents proving ownership of the vehicle. After filing an application the applicant has to comply with all the directions issued by the court.  
  
The trial court can pass orders for custody or disposal of the vehicle during an inquiry or trial. The interim custody of the motor vehicle is given to the person in whose name the motor vehicle is registered with the registering authority unless a superior title is established by another person.

Sample format of Application for Release of Vehicle seized by Police is given below:

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE AT \_\_\_\_\_\_\_\_\_**

**CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

(Affix Court Fee stamp of Rs. \_\_\_)

**IN THE MATTER OF:**

A\_\_\_**COMPLAINANT**

**VS**

B\_\_\_                                                         **ACCUSED**

FIR No\_\_\_\_\_\_\_\_\_\_ Dated \_\_\_\_\_\_\_\_\_

Under Section \_\_\_\_\_\_\_\_

Police Station \_\_\_\_\_\_\_\_\_

**APPLICATION FOR RELEASE OF CAR NO\_\_\_\_\_**

**MOST RESPECTFULLY SHOWETH:**

1. That the Applicant is the registered owner of Car Registration No\_\_\_\_\_\_\_\_\_\_, Engine No\_\_\_\_\_\_\_ Chassis No\_\_\_\_\_\_\_\_\_\_\_.

2. That the vehicle met with an accident at on \_\_\_\_\_\_ at about \_\_\_\_ P.M..

3. That the above vehicle has been covered by the Police and presently is under custody of the Police , Police Station. An F.I.R. No.\_\_\_\_\_ , under Section 279, 337 of the Indian Penal Code has also been lodged by the Police Station. Necessary investigations have been completed by the police.

4. That the Police told the Applicant that his car is no longer required for further investigation.

5. That the Applicant need the above vehicle to carry out its repairs.  
  
6. That the above vehicle may be released to the Applicant along with documents and license against proper security and conditions as deemed fit and proper by this Hon'ble court so that I can carry out necessary repairs.  
  
7. It is, therefore, the most humbly prayed that your honour be pleased to order the release of my above vehicle along with documents and license against the security and conditions as deemed fit and proper by your honour. Such other orders may also be passed in favour of the petitioner as deemed fit and proper by this Hon'ble Court in the facts and circumstances of the case.

8. The Applicant is ready and willing to give undertaking or furnish requisite bond.

**P R A Y E R**

That the Applicant, therefore, prays:

a) that the court may pass order to release his Car No\_\_\_\_\_ along with Driving License and documents to the Applicant.

**AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.**

**APPLICANT**

THROUGH

**\_\_\_\_\_\_ADVOCATE**

Place :

Date :

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE AT \_\_\_\_\_\_\_\_\_**

**CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

(Affix Court Fee stamp of Rs. \_\_\_)

**IN THE MATTER OF:**

A\_\_\_**COMPLAINANT**

**VS**

B\_\_\_                                                         **ACCUSED**

**AFFIDAVIT**

I, Mr. / Ms. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ aged \_\_\_\_\_\_\_\_\_ years, Occupation \_\_\_\_\_\_\_ Resident of \_\_\_\_\_\_\_\_ the Applicant do solemnly affirm and say as follows:  
  
1. That I am owner of Car No \_\_\_\_\_\_ and Respondent in the above mentioned matter.

2. That the vehicle met with an accident at on \_\_\_\_\_\_ at about \_\_\_\_ P.M.

3. That the above vehicle has been covered by the Police and presently is under custody of the Police , Police Station. An F.I.R. No.\_\_\_\_\_ , under Section 279, 337 of the Indian Penal Code has also been lodged by the Police Station. Necessary investigations have been completed by the police.

4. That the Police told the Applicant that his car is no longer required for further investigation.

5. That the Applicant need the above vehicle to carry out its repairs.

6. That my above vehicle may be ordered to be released to me against proper bond or undertaking as required so that I can use the vehicle for my daily needs.

Signed at \_\_\_\_\_\_\_\_\_\_\_ this \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_20\_\_

**DEPONENT**

**VERIFICATION**

I, \_\_\_\_\_\_\_\_\_\_ the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated therein.

Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

**DEPONENT**