

**IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II, KARUR.**

**PRESENT : Thiru. M. CHARLES ALBERT, B.Com., B.L.,  
Judicial Magistrate No.II, Karur**

**Saturday, 25<sup>th</sup> day of October, 2025**

**Crl.M.P.No.2718/2025**

**in**

**Cr. No.135/2025**

**Mr.Rajkumar,**  
S/o.Periyasamy,  
No.89, Puthupalayam,  
Nerur South,  
Manmangalam Taluk,  
Karur District.

.... Petitioner/Owner of the property

/VS/

**The State represented by  
The Inspector of Police,**  
Vangal Police Station,  
(Cr.No.135/2025)

.... Respondent/ Complainant

This petition coming on for final hearing before me today in the presence of **Thiru.N.Rajeshkumar,B.A.,LL.B.,** advocate for the petitioner and **Selvi.R.Murugeswari.B.A.,B.L.,** Assistant Public Prosecutor Grade II appearing for the sate and upon hearing the arguments of both sides and having stood over for consideration till this day, this Court has passed the following

**ORDER**

1. This petition is filed by the petitioner U/s.497 r/w 503 of BNSS. seeking that to direct the respondent police to produce the petition mentioned property i.e. Ashok Leyland Lorry bearing Registration Number TN 37 BK 5658 before this Court and to hand over the said property on interim custody to the petitioner.

2. The learned counsel for the petitioner submits that the petitioner is the owner of the property. The date of alleged offence is 05.06.2025. The date of FIR is on 05.06.2025 for the alleged commission of offence u/s.303(2), 336(3), 340(2) of BNS, 2023 r/w 21(1) Mines and Minerals(Development and Regulation)Act 1957. He submits that the above mentioned vehicle has been seized by the respondent/police on 05.06.2025, it is falsely implicated by the de-facto complainant. The date of seizure of vehicles is 05.06.2025. Further, submits that he is the lawful owner of the petition mentioned vehicle, if the said vehicle is parked in the premises of the respondent/police in open air and rain. If the same

is continued it will cause serious damage to the vehicles and engine parts will get damage due to long period of station the batteries will get discharged. Due to confinement of vehicle in sunlight and rain the life and condition of the vehicle will get deteriorated, if the same is continued he will put too much loss and hardship and the same cannot compensate in any manner. Further submits that the petition mentioned vehicle is in good condition and he was utilizing the same for his business purpose and for his day to day livelihood. If the vehicle is handed over to him no prejudice will be caused to the respondent/police, if the vehicle is handed over to him for the interim custody, he will not alter the ownership of the vehicle, or change the colour of the vehicle, or make any alteration in the features of the vehicle and abide to the any condition that will be imposed on him by this Hon'ble Court. Therefore, He prays to produce the said vehicle before this court and return the said vehicle on interim custody.

3. The Respondent has submitted reply that the case is in under preliminary stage of investigation. Further submits that the investigation officer were seized Registration No.TN 37 BK 5658 lorry from the accused. The accused has used the vehicle to commit the crime. Further submitted if the property is released by this Hon'ble Court he may be sell or modified the property and he will not produce the property in case of trial and there is a chance to commit the same kind of offence by using the lorry.

4. Heard on both sides.

**5. Point for consideration:-**

Whether this petition is allowed or not?

6. This Court has perused the records. On perusal of records, it reveals that Ashok Leyland Goods Carrier bearing Registration Number TN 37 BK 5658 is belonged to this petitioner and it was seized by the respondent police on 05.06.2025 and the seized vehicle was not produced before this court. Further, it is seen that Registration validity of said vehicle has expired on 27.08.2025.

**7. The Hon'ble Supreme Court of India in Sundar Bhai Ambalal Desai Vs. State of Gujarat reported in 2003 SCC CrI. 1943 has clearly held as follows:-**

“ It is no use to keep such seized vehicle in police station for a long time and it is for the Magistrate to pass the appropriate orders”

8. The Hon'ble High Court of Madras in the matters of return of vehicle concerned in sand theft cases, in the criminal revisions filed by the owners of the vehicles more particularly in **Mohanraj Vs. State rep. By its Inspector of Police, Jedarpalayam Police Station, Namakkal District in Cr.No.148/2019 in CrI.R.C.1441/2019 and Mariappan s. State re. By its Inspector of Police, Velur Police Station, Namakkal District in Cr.No.543/2019 in CrI.R.C.3/2020** respectively, has stated that though the reasons given by the trial court in dismissing the petition cannot be faulted, having considered the fact that if the vehicle remains in the custody of the police indefinitely, it will get deteriorated.

**9. The Hon'ble High Court of Madras at Madurai bench held in Annadurai vs. The Inspector of Police, dated: 24.01.2024 that,**

“(d) a complaint under Section 21 of the MMDR Act, 1957 can be filed only before the jurisdictional Magistrate empowered to take cognizance of the offence and not before the Special Court;

(e) Ex-consequenti, the Court for the purposes of Section 21(4-A) is the Court of the Magistrate since it is that Court which is empowered to take cognizance of the offences under section 21(1). Hence, an application for release of vehicle will lie only before the jurisdictional Magistrate;

... The learned Judicial Magistrate shall now take the applications for release on file and disposal of the same in accordance with law.”

10. In the light of the principle laid down by the Hon'ble Apex court as well by the Hon'ble High Court of Madras as stated above and Upon Considering the submissions on both sides, and perusal of the records and in this case, confiscation proceeding has not yet been initiated, this Court is of the view that interest of justice will be served, if the vehicle is ordered to be released to the petitioner on certain stringent conditions.

- (i) The Respondent is directed to file private complaint as per law and guideliness and to produce the said seized Ashok Leyland Goods Carrier bearing Registration Number TN 37 BK 5658 which is in connected to the said crime Number, before this court.

11. Upon Such production, This Court Office shall make entry in property register and shall be arranged to return the said petition mentioned property to the petitioner on interim custody upon due acknowledgement and identification, after complying of following further conditions.

- (i) The petitioner shall file an affidavit about the amount worth of petition mentioned vehicle and shall execute a bond for said amount along with solvency or satisfication of the court either by himself or by sureties.
- (ii) The petitioner shall surrender the original R.C. book before this court and Xerox copy of fitness certificate and Insurance copy within 60 days from the date of receipt of said vehicle.
- (iii) The petitioner is directed to execute Panchanama as per the as per the Judicial Form No.82(see Rule 257(1) of Criminal Rules of practice, 2019)
- (iv) The petitioner shall arrange photographs of petition mentioned property at his own cost by taking in different angle and shall submit along with certificate under section 63 B.S.A. 2023, and shall be attested by petitioner and countersigned by Respondent police.
- (v) The petitioner shall not alienate the said property in question till the disposal of the proceedings before the authority concerned.

- (vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondent.
- (vii) The petitioner shall produce the vehicle before the court on the first working day in second week of Every English Calendar month until further orders.
- (viii) The petitioner shall not alter and vary the colour, shape, nature and character of the vehicle without prior permission of the Court and further, he should not encumber or alienate the same.
- (ix) The petitioner shall not do any act, which diminishes the value of the vehicle.
- (x) The petitioner shall not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by the respondent and also by the court.

Dictated to Steno Typist, and typed by her, corrected and pronounced by me, on this the 25<sup>th</sup> day of October, 2025.

**JUDICIAL MAGISTRATE NO.II  
KARUR.**