

**IN THE COURT OF JUDICIAL MAGISTRATE NO.II,
AT THOOTHUKUDI**

**Present : Tmt.A.ELAKIYA B.C.A., LL.B[Hons]., LL.M.,
Judicial Magistrate No.II, Thoothukudi**

MONDAY THE 10th DAY OF AUGUST 2026

CR.M.P.No. 1436/2026

Maria Jones Vargees,
S/o. Antony Dhanapaul

...Petitioner/Owner of the Property/Accused No.1

-VS-

State Represented by
Sub-Inspector of Police,
Thalamuthu Nagar Police,
Crime No. 426/2026

...Respondent/Complainant

This application coming up before me on 10.08.2026 for final hearing, in the presence of Learned Advocate Mr. A. Anthony Chandhira Edison B.Com., L.L.B., for the Petitioner Petitioner/Accused. Upon hearing Petitioner side arguments and upon perusing the documents on record and having stood over for consideration till this day, this Court delivered the following

ORDER

This present application has been filed under Section 497 and 503 of Bharathiya Nagarik Suraksha Sanhita, 2023 to direct the Respondent/Police to produce the property to this court and after production seeking return of property TN 59 BA 1536 (Volkswagen Polo, Candy White Colour) is charged under Crime No. 426/2026 under section 3 of TNPPDL Act and 296(b), 329(3), 351(3) of Bharathiya Nyaya Sanhita, 2023.

The counsel for the Petitioner submits that, the property P.R.No. 243/2026 TN 59 BA 1536 (Volkswagen Polo, Candy White Colour) is charged under Crime No. 426/2026 under section 3 of TNPPDL Act and 296(b), 329(3), 351(3) of Bharathiya Nyaya Sanhita, 2023. Further submits that, the Petitioner is the owner of vehicle and he is no way involved in this crime. Further if the vehicle kept idle to long time it become useless. Further he ready to obey any of the condition imposed by this court, Hence prays to allow this Application.

The Respondent - police objected and stated that, the property is in the custody of Respondent, if it returned to the Petitioner he will not produce the property to the Court during the trail and also may alter, sell the case property. Hence the Respondent police have made objections to return the property to the Petitioner.

RESULT

1. On perusal of records on 10.07.2026, it is found that the case peroperty is not remanded to this court vide reply submitted by the Respondent, it is admitted that the case property in the custody of them. Hence this court directed the Respondent to produce the said property to this court within stipulated time. On such direction, the property was remanded to this court on 04.08.2026 in P.R No. 243/2026.

2. On the both side rival submission, this Court on perusal of records found that one Raugumath Ali who is the owner of the case property. Registration certificate stands in the name of Ragumath Ali. The said Ragumath Ali herewith filed an affidavit swearing, that he is the 1st owner of the vehicle and now sold the said property to Maria Jones Vargees/Accused No.1. Further stated, Petitioner/Accused No.1 applied for name transfer to R.C for siad vehicle. Moreover, he has no objection to handover the case property to Accused No.1. The said facts are substantiated by sale deed entered into between Petitioner and Ragumath Ali, Hence this court satisfied that Petitioner is the

owner of the TN 59 BA 1536 (Volkswagen Polo, Candy White Colour) which is remanded before this Court in P.R.No. 243/2026 in Cr No. 426/2026. At this circumstance the Respondent objected the interim custody to the Petitioner by stating if the property return to the Petitioner he may alter or sell the property and also he will not produce the property during trail. From the above discussion ownership of the property is proved by the Petitioner. In this situation keeps the vehicle idle for long term will cause destruction of the property and there is a possibility of the property become useless. From the above the discussion ownership of the property is proved by the Petitioner. At the circumstance this Court considers the facts and discussion made above finds reasons to return the property to the Petitioner and inclined to allow this application. Accordingly the property namely TN 59 BA 1536 (Volkswagen Polo, Candy White Colour) which is remanded before this Court in P.R.No 243/2026 in Cr No. 426/2026 is ordered to be returned to the Petitioner, as interim custody, on compliance of the following conditions.

- (i). The Petitioner shall produce proof of identity and proof of residence .**
- (ii). The Petitioner is directed to execute a own bond for sum of Rs. 1,00,000/- along with two surities each like sum.**
- (iii). The Petitioner shall take photographs of the case property and counter sign the photograph and produced the photograph with CD before this Court along with the Sec. 63 certificate as contemplated under rule 257(1) of the criminal rules of practice, 2019 and also produce two witnesses for preparing panchanama.**
- (iv). The Petitioner shall file an affidavit of undertakes that he will not alter the nature of the case property shell, or dispose of properties, in any manner, pending disposal of the case.**
- (v). The Petitioner has to keep the case properties in good condition.**
- (vi) The Petitioner shall produce case property before this Court as and when required by this Court**

Dictated to the Steno - typist and typed by her in the Court system and corrected by me pronounced by me in open Court on this 10th day of August 2026.

**Judicial Magistrate No.II,
Thoothukudi.**