

TNCB180000042026



IN THE COURT OF JUDICIAL MAGISTRATE, SULUR.

Presence : **Thiru.T.Arunkumar, M.A.,M.L.,M.B.A.,**

Judicial Magistrate,

Sulur.

Wednesday the 18th Day of March 2026

CMP No.3 of 2026

in CC 945/2025

Mr.Tapan Kumar Sethy (27/2025)

S/o.Mr.Gopal Chandra Sethy

.... Petitioner

/Vs/

The State of Tamil Nadu,
Rep. through the Inspector of Police,
Sulur P.S

Cr.No.939/2025 u/s.304(2) BNS

(CC 945/2025)

.....Respondent /Complainant

This petition came for final hearing before me in the presence of Thiru.Na.Manimaran, B.A., B.L., and Thiru.K.Sakthivel, B.A., B.L., Learned counsels appeared for the petitioner and Tmt.K.Jayanthi, M.B.A., B.L., Learned Assistant Public Prosecutor for the State and after hearing both sides, this court delivered the following :

ORDER

The petitioner has filed this petition u/s.497 r/w 503 of BNSS Act seeking interim custody of the petitioner's property (i.e), **Yamaha FZ two wheeler bearing Registration No.TN-19-AL-3664 – 1 No.** The Petitioner would contended that he is in need of the above said property for his daily use and that he is ready to obey any conditions imposed by this Court if the property is released on interim custody to the petitioner herein. Hence, the petition may be allowed.

2. Reply received from the Learned Assistant Public Prosecutor and the respondent police stating that if the vehicle is handed over to the petitioner, he will sell and will not produce the same at the time of trial and hence, objected to give the property to the petitioner on interim custody.

3. On perusal of records, it is revealed that the petitioner is the owner of the vehicle and copy of registration certificate filed with this petition. Further, the above said property (i.e), **Yamaha FZ two wheeler bearing Registration No.TN-19-AL-3664 – 1 No.** involved in

Cr.No.939/2025 was recovered by the respondent police on 13.10.2025 and produced before this court on 03.11.2025 and numbered as **RPR No.554/2025**. Under these facts and circumstances and considers the dictum laid down in **Sundarbhai Ambalal Desai Vs State of Gujarat by the Hon'ble Apex Court**, this court is inclined to grant interim custody of the case property (i.e), **Yamaha FZ two wheeler bearing Registration No.TN-19-AL-3664 – 1 No.**

4. In the result, this petition is allowed and the property (i.e), **Yamaha FZ two wheeler bearing Registration No.TN-19-AL-3664 – 1 No.** is entrusted to the petitioner on interim custody with the following conditions.

i).that the petitioner shall not sell or encumber the property in any manner till the final disposal of the case.

ii).that the petitioner shall produce the case property as and when required by this court/appellate court.

iii). that the petitioner shall take and produce colour photograph of the property at his cost and to file the negative or compact disk with 3 prints (one print to keep in the court bundle record, one is to hand over to the concerned police for CD file and another one is to the petitioner) and on the reverse side of the photographs the petitioner shall made an endorsement to that effect that the property in the photograph is that of the case property and the petitioner will not dispute the identity of the property in the photograph at the time of trial and the same may marked at the time of the trial. The Head Clerk of this Court shall attest the photograph to that effect that the image is the photograph is of then case property.

iv). For due observation of above conditions the petitioner shall furnish **one surety** for **Rs.1,50,000/-**.

v). The Head Clerk of this court shall prepare Panchanama.

vi).The petitioner shall produce the Original R.C.Book before this court for verification.

Pronounced by me in open Court this the 18th day of March 2026.

Judicial Magistrate,
Sulur.