

**IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL
MAGISTRATE, ANNUR.**

**Present: Tmt.V.Monika, B.A., B.L., L.L.M.,
District Munsif Cum Judicial Magistrate, Annur.**

CrI.M.P.No.65/2026

in

Cr.No.07/2026

On this Monday, the 09th day of March, 2026

Mariyadass (53), S/o.Antonymuthu,
2/114, Mariya Puram,
Merkupathi, Avinashi taluk,
Tiruppur, TN – 638103.

... Petitioner/Owner of the Property

/Vs/

State rep by
Kovilpalayam Police Station,
Cr.No.07/2026, (u/s. 191(2), 191(3), 296(b),
115(2), 118(1), 351(3) of BNS)

... Respondent/Complainant Police

This petition for return of the interim custody of the case property, i.e., **HONDA MOTOR CYCLE AND SCOOTER** was filed by the Petitioner/Owner, is coming before this court for final hearing in the presence of learned Advocate Mr.R.Naveen for the Petitioner/Owner of the property, learned APP Grade – I Mr. Akbar Raja for the prosecution and after perusing the petition and the records of the case, having stood over for consideration of this court till this day, this Court delivers the following:

ORDER

This petition was filed under section of 497, 503 BNSS., for seeking the relief of interim custody of the petition mentioned case property, i.e., **HONDA MOTOR CYCLE AND SCOOTER** bearing registration number **TN39DY0760**, which was seized by the respondent police in Crime No. 07/2026 of Kovilpalayam Police Station.

2.The Brief Averments in petition:

This Petition was filed by the Petitioner/Owner of the property, u/s. 497, 503 of BNSS for interim custody of the property – **HONDA MOTOR CYCLE AND SCOOTER** bearing Vehicle registration number **TN39DY0760**, which was seized by the respondent police from the accused and registered an FIR under section u/s. 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) of BNS Act in Crime No. 07/2026. The petitioner counsel contended that if the petition mentioned property - **HONDA MOTOR CYCLE AND SCOOTER**, is kept under the custody of the court or police for long time without maintenance, the Value of the vehicle get deteriorated and it will become obsolete to anybody. Further there is no need to keep the same under the police or judicial custody. Hence, in view of the submissions by the petitioner counsel that the petitioner is in dire need of the two wheeler for his daily purposes, The petitioner counsel also stated that the petitioner undertakes to submit the sureties and abide by the conditions that are all imposed by the Hon'ble Court and prayed to grant the interim custody of the petition mentioned property to its owner, the petitioner till disposal of the case.

3. Notice issued to the learned A.P.P, the Respondent Police, police reply received. The Respondent police replied that he opposed to handing over the property found in the case to the rightful owner because if the property found in the case is handed over to the rightful owner, he will not hand it over during the court hearing and also case investigation is still pending. In the APP reply, he has no objection to handover the property on opt condition.

4. Discussion and Decision

Heard the petitioner side and the case records perused. By the copy of the registration certificate annexed to the petition, it is known that the Petitioner is the owner of the seized property. There is no dispute regarding his ownership over the seized vehicle, ownership of the vehicle **HONDA MOTOR CYCLE AND**

SCOOTER, by the petitioner was not objected either by the complainant police or by the prosecution.

The property being the two wheeler, it is the essential for one's day to day life's own purpose. Further there is no need to keep that vehicle under the police or judicial custody. If the two wheeler is kept under the police custody for long time, without proper maintenance, it will get damaged and became obsolete to anybody. Hence, after considering the facts and circumstances, this court is inclined to return the property on interim custody, to the petitioner/accused in the interest of justice with the following conditions,

- (i) The petitioner shall execute a own bond along with one surety, each for the value of Rs.15,000/-.
- (ii) The petitioner shall produce photo-copies of the property in all four sides. The photo copy of the property shall be attested by both the petitioner and the Petitioner counsel. The Original R.C. book shall be submitted to this court for verification.
- (iii) The panchanama should be prepared for the property.
- (iv) The petitioner shall not alienate, encumber or alter the property or its appearance till disposal of this case and the petitioner is directed to produce the property whenever ordered by this Court.

Dictated to the Typist and typed by her, corrected and pronounced by me in open court on this 09th day of March 2026.

sd/-V.Monika
District Munsif cum Judicial Magistrate,
Annur.