

**IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPORUR**

Present: Tmt.N.Anu Priya, B.A., B.L., (Hon's)
Judicial Magistrate, Thiruporur

Thursday, the 24th day of April 2025

CMP.No.460/2025 in Cr.No.401/2024

CNR No.TNCG110007892025

Don Williams, aged 29 years,
S/o.James,
No.37, Ammaiyappan Street,
Royapettah, Chennai 14.

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Petitioner/Owner of the Vehicle

-Vs-

The State Represented by
The Inspector of Police,
Kelambakkam Police Station
Cr.No.401/2024.

U/s.331(4), 305 BNS.

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Respondent /Complainant

This petition came up on this day for final hearing before this Court in the presence of Ms.K.Vignesh, learned Counsel for the petitioner and the Assistant Public Prosecutor Gr.I(i/c) for the respondent and upon perusing the documents and having stood over for consideration till this date, this court made the following,

ORDER

1. The petition is filed under section 497 r/w 503 BNSS 2023 to direct the respondent to produce the vehicle and return the vehicle bearing Regn.No.TN-12-X-2097 as interim custody.

2. In the petition, it is stated that the petitioner is the owner of the vehicle Two wheeler, Bajaj Auto Ltd, Pulsar RS 200, Petrol, Black Colour, bearing Regn.No.TN-12-X-2097, Engine No.JLYCJK10114, Chassis No.MD2A36FY5JCK10339. The vehicle was seized by the respondent. The vehicle is kept in open at the respondent police station. Hence, filed this application to direct the respondent to produce the vehicle and to return the vehicle bearing Regn.No. TN-12-X-2097 as interim custody.

3. A notice was issued to the respondent. A detailed reply was submitted by the Respondent police.

4. The arguments heard on the side of counsel for the petitioner. The counsel for the petitioner argued that, the petitioner is the owner of the property. The property was recovered by the respondent. He is ready to produce the property whenever necessary. Hence, prayed to allow the application. The Respondent Police stated that, the property owned by Ananda Jayaraj but the petition was filed by Don Williams. Further stated that the investigation is still pending, if the property is released to the petitioner, he will sell the property. Hence strongly objected to release the property to the petitioner.

5. The entire records perused. On perusal of the records, the property was recovered by the respondent on 11.03.2025. The property was produced before this court on 27.03.2025 and was numbered as PI.No.74/2025, dated 27.03.2025.

6. On considering the facts and circumstances of this present case, the fact that petitioner is the owner of the vehicle, and considering the guidelines given by Hon'ble Supreme Court in Sundarbai Ammbalal's case, this court is inclined to return the property Two wheeler, Pulsar RS 200 bearing Regn.No.TN-12-X-2097, as interim custody to the petitioner with the following conditions:-

(i) The petitioner is directed to name transfer in his name of the vehicle bearing Regn.No. TN-12-X-2097 within a period of two months and directed to produce the Original RC book before this court after his name transfer. The respondent police is directed to ensure the name transfer.

(ii) The petitioner shall file an affidavit undertaking that he will not to alter the shape, and also directed not to alienate the property. The petitioner is also directed to not to commit any offence using this property.

(iii) The petitioner is directed to furnish one surety by executing a bond for a sum of Rs.50,000/- to the satisfaction of this court. The surety is directed to produce ration card and bank pass book for their identify and residential proof. Further the surety is directed to furnish two photographs and directed to make thumb impression in the bond.

(iv) The petitioner is directed to submit the copy of RC Book of the vehicle before this court.

(v) The petitioner shall take photographs of the vehicle, attest the same and produce before this court along with 65B certificate.

(vi) The Panchanama shall be prepared as per rules.

Failing the above conditions, the order will automatically gets cancelled.

After the compliance, the petitioner is directed to report before this court. Call the petition on 24.06.2025.

Dictated to the Steno-typist directly, typed by her, corrected and pronounced this order by me on 24th day of April 2025.

District Munsif-cum-Judicial Magistrate
Thiruporur.