

**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

Tuesday, the 19th day of November 2024
CMP.No.735/2024 in Cr.No.310/2024

Thirukannu, aged 43 years,
S/o. Chokkalingam,
No.45A, Periya Street,
Ponmar, Chengalpattu District.

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Petitioner/Owner of the Property

-Vs-

The State Represented by
The Inspector of Police,
Thazhambur Police Station
Cr.No.310/2024.

...

Respondent /Complainant

This petition came up on this day for final hearing before this Court in the presence of M/s.N.Ashok Kumar, M/s.Naresh Kumar Counsels 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 499 of BNSS to direct the respondent to produce the vehicle and return the vehicle bearing Regn.No.TN-47-D-6129 as interim custody.
2. In the petition, it is stated that the petitioner is the owner of the vehicle Four wheeler Ashok Leyland Ltd., Goods Carrier, HW Yellow Colour, bearing Regn.No.TN-47-D-6129 , Engine No.WSE300728, Chassis No.WSE409939. 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-47-D-6129 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 vehicle. The vehicle was seized by the respondent. He is ready to produce the vehicle whenever necessary. Hence, prayed to allow the application. The Respondent Police strongly objected to release the vehicle to the petitioner stated that, he may use the vehicle to commit similar kind of offence.

5. The entire records perused. On perusal of the records, the property was seized by the respondent on 23.09.2024. The property was produced before this court on 03.10.2024 and was numbered as PI.No.227/2024 dated 03.10.2024.

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 vehicle Four wheeler Ashok Leyland Ltd., Goods Carrier, bearing Regn.No.TN-47-D-6129 as interim custody to the petitioner with the following conditions:-

(i) 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.

(ii) The petitioner is directed to furnish two sureties by executing a bond for a sum of Rs.1,00,000/- to the satisfaction of this court. The sureties are directed to produce ration card and bank pass book for their identify and residential proof. Further the sureties are directed to furnish two photographs and directed to make thumb impression in the bond.

(iii) The petitioner is directed to surrender the Original RC Book of the vehicle before this court after name transfer.

(iv) The petitioner and respondent shall take photograph of the vehicle, attest the same and produce before this court.

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

After the compliance, the petitioner is directed to report before this court. Call the petition on 24.12.2024.

In the result, the petition is allowed with conditions.

Dictated to the Steno-typist directly, typed by her, corrected and pronounced this order by me on 19th day of November 2024.

//True copy //

S/d.N.Anupriya, 19.11.2024
District Munsif-cum-Judicial Magistrate
Thiruporur.

District Munsif-cum-Judicial Magistrate
Thiruporur.

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