

**IN THE COURT OF JUDICIAL MAGISTRATE COURT NO. II,  
DHARMAPURI**

**Present : Tmt. R. Sushmitha, B.A., L.L.B.,(Hons),**

The Judicial Magistrate II, Dharmapuri.

**On the Monday, the 01<sup>st</sup> day of June 2026.**

**Crl.M.P No. 694 of 2026**

**In**

**Cr. No.158 of 2026 in C.P.No.54/2026**

**(On the file of Adhiyamankottai Police Station, Dharmapuri)**

Madesh, Age 45

S/o. Krishna

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Petitioner/ Owner

/Versus/

The State represented by

Inspector of Police

Adhiyamankottai Police Station

Dharmapuri District.

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Respondent/ Complainant

**Order**

This petition has been filed on behalf of the Petitioner/Accused under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking Return of Case Property.

The application came up for final hearing before this Court on **01.06.2026**. This Court has taken up the matter for consideration in pursuance of the 497 BNSS petition filed by **Tr.C.Rajendiran**, Learned Counsels for the Petitioner, and the submissions made by the Learned Assistant Public Prosecutor representing the State.

Upon perusal of the petition, the relevant materials on record, and after hearing the arguments advanced by both sides, this Court proceeds to pass the following:

Heard both sides. The case records have been perused.

The petitioner is the accused in **Crime No.158/2026** of **Adhiyamankottai Police Station**, registered for the alleged offence under **U/s. 303(2) of BNS r/w 21(1) MMDR Act.**

**Contentions of the petitioner in brief:**

The Learned Council for the petitioner argued that it is in alleged FIR, the petitioners vehicle **ASHOK LEYLAND LTD, Bearing Registration.No. KA 32 B 8889** were involved and respondent seized the above said vehicles to police custody and registered case in **Cr.No.158/2026** for the offences **U/s. 303(2) of BNS r/w 21(1) MMDR Act.** He will produce sufficient sureties. He also submitted that the vehicle has been staying idle in the Respondent Police station. He also submitted that the aforesaid vehicle has been exposed to sun and rain and kept without any maintenance. Learned Counsel also argued that the Petitioner needs the vehicle for going to his work station and the vehicle is sole means of livelihood Learned Counsel finally submitted that the Petitioner is ready to comply with any condition imposed by this Court. Hence, he prayed for interim custody of the vehicle.

**Contentions of respondents:**

The Sub Inspector of police Adhiyamankottai police station replied that they have objection in returning the said vehicle to the petitioner. On the other hand, the learned APP reply that, he will make alteration or sell the case property and

the petitioner may be absconded at the time of the trial and further stated objection for returning the property to the Petitioner.

**Analysis and discussion:**

Upon perusal of the submissions made, hopefully that the Petitioner is the registered owner of **ASHOK LEYLAND LTD, Bearing Registration.No. KA 32 B 8889**. The Prosecution has not disputed the ownership of the vehicle by the Petitioner. It is further observed that the said vehicle has been lying idle at the Respondent Police Station. It is a matter of common knowledge that even a well-maintained vehicle, if left unused for more than fifteen days, tends to lose its road worthiness. In the present case, the vehicle has been kept stationary without maintenance and exposed to open weather conditions for an extended period, thereby accelerating natural deterioration.

If the vehicle continues to remain unattended, it is likely to suffer further damage, ultimately rendering it unfit for road use and reducing it to scrap. It is a well-settled principle of law that property seized in connection with a criminal case must be preserved and protected from becoming waste or junk.

No useful purpose would be served by retaining the vehicle in the custody of the Respondent Police for such a prolonged duration. The prolonged exposure and lack of maintenance are detrimental to the condition of the vehicle. Furthermore, the Inspector of Police has also expressed no objection to the release of the said vehicle to the Petitioner.

**Result**

Hence for the above stated reasons and circumstances, this Court feels that it is fit to return the vehicle to the Petitioner for interim safe custody.

**Order and conditions:**

Accordingly, this Court directs the interim release of the vehicle, namely **ASHOK LEYLAND LTD, Bearing Registration.No. KA 32 B 8889** to the petitioner, subject to the following conditions:

- i) The petitioner shall execute a personal bond for a sum of Rs. 5,00,000/- (Five Lakhs Only), supported by two sureties each for a like sum, to the satisfaction of this Court.
- ii) The petitioner is directed to produce before this Court photographs of the vehicle taken from all four sides and xerox copy of R.C of the Vehicle. (Compared with original)
- iii) A Panchanama (mahazar) shall be prepared and duly recorded in respect of the vehicle.
- iv) The petitioner shall not alienate, transfer, or encumber the vehicle in any manner until the final disposal of the case.

Typed by me in my laptop, corrected and pronounced by me in the open court on this Monday, the 01<sup>st</sup> day of June, 2026.

**Judicial Magistrate No.II,  
Dharmapuri**