

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.III ERODE

Present : Thiru. S.R.Babu, B.A., B.L.
Judicial Magistrate No.III, Erode.

Dated this 10th day of March 2026.

CrI.M.P.No: 452/2026

P.R.No.42/2026

Sudhan,
S/o.Muthukumar.

....Petitioner/Owner of the Property/Accused No.2

// Vs //

State represented by
Inspector of Police,
Erode South P.S.
in Cr. No:36/2026

.....Respondent/complainant

This case was coming before me for final hearing on this date 10.03.2026 and the Learned Assistant Public Prosecutor appeared for complainant and the Learned Counsel Thiru.R.Poovizhiselvan appeared for the petitioner, after perusing the arguments advanced by both sides this Court passed the following.

ORDER

The Petitioner/accused is the owner of the property in Cr.No.36/2026 on the file the respondent police, registered for offence U/s 304(2) of BNS and the petitioner filed the petition U/s 497 r/w 503 of BNSS to return the property involved in the case as interim custody.

2. The petitioner prays before this Court to return the TN 86 J 2347 DIO STD 3D Emblem two wheeler Maruti Suzuki Four wheeler as interim custody.

3. Notice sent and reply received from the Additional Public Prosecutor and respondent police. The prosecution stated that if the case property is handed over to the petitioner/accused he may utilize it for committing similar kind of offence. Hence this petition may be dismissed.

4. Considering the contention of the petitioner and facts & circumstances of this case and on perusal of paper namely, certificate of registration, it is an admitted fact that the petitioner/accused is the owner of the case property. In light of the observations made by the Hon'ble Supreme Court of India in **Sunderbhai Ambalal Desai /vs/ State of Gujarat reported in ((2002) 9 SCC 283)**, this Court is inclined to order to handover the case property TN 86 J 2347 Two wheeler to the petitioner as interim custody with the following conditions.

- (i). The petitioner shall produce her proof/photocopy of identity.
- (ii). The petitioner shall execute a bond as per Form 50 read with Rule 257 of Criminal Rules of Practice to the satisfaction of this Court.
- (iii). Panchanama shall be prepared towards the description of the property.
- (iv). The petitioner shall file on affidavit of undertaking stating that he will not change, sell, dispose of in any other manner the property and he will cause production of the same before the Court, as and when required.

5. In the result, the Return of Property petition in CrI MP No.452/2026 on the file of this Court is allowed.

Typed by the steno typist in the Court computer, dictated, corrected and pronounced by me on this day 10th of March 2026.

Judicial Magistrate No.III,
Erode.