

**IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE (FTC),
KANCHEEPURAM**

**PRESENT: TMT. S. MOHANAKUMARI, M.A., B.L.,
Additional District & Sessions Judge,
Additional District & Sessions Court, (FTC),
Kancheepuram**

Tuesday, the 24th day of March 2026

**CrI.M.P. NO.436 OF 2026
IN
S.C NO.84 OF 2025**

Kalidhasan, M.34 years,
S/o. Late.Settu,
No.22A/70, Mudhal Street,
Kaliyanur, Vaiyavur Post,
Kancheepuram District.

.....Petitioner

//Vs//

State by: The Inspector of Police,
B2, Vishnu Kanchi Taluk Police Station,
Kanchipuram.
Crime No.5/2025.

.....Respondent/Complainant

This petition came up before me for final hearing on 12.03.2026 which was filed by the learned counsel M/s.B.Hariharan, S.Gopala Krishnan and D.Kaviyarasu, on behalf of the petitioner and the reply submitted by the Respondent police through Mr.T.Sathyamoorthy, the learned Additional Public Prosecutor appearing for the respondent, upon perusing the entire records of the case, and upon hearing the arguments of both side, and upon having stood over for consideration till this date, this Court passed the following;

ORDER

This petition is filed under Sections 497 and 503 of BNSS to return the vehicle namely Hero Honda Passion Pro bearing Registration No.TN-21-AP-0668 to the petitioner.

The learned counsel for the petitioner would stated that his father, Late Settu, died on 29.08.2025. The vehicle, namely Hero Honda Passion Pro bearing Registration No. TN-21-AP-0668, stands in the name of the deceased. The respondent police have seized the said vehicle and it is now kept in the police station. The petitioner, being one of the legal heirs of the deceased, is entitled to seek custody of the vehicle. The petitioner submits that the vehicle is not involved in any other case and is lying exposed to sun and rain, causing deterioration in value. The petitioner undertakes to produce the vehicle as and when required and is ready to furnish sureties and comply with any conditions imposed by this Hon'ble Court. Hence, this petition for return of vehicle.

The learned Public prosecutor would object on the ground that the case property, namely Hero Honda Passion Pro Motor Cycle bearing Registration No. TN-21-AP-0668, belongs to the 4th accused. If the said vehicle is returned, there is a likelihood of its being used again for similar criminal activities. Hence, the respondent strongly objects to the return of the said vehicle to the accused.

Upon perusal of material on records and having heard both sides, this court finds as follows. The vehicle, namely Hero Honda Passion Pro Motor Cycle bearing Registration No. TN-21-AP-0668, stands in the name of the petitioner's deceased father, Late Settu. The petitioner claims to be one of the legal heirs of the said deceased. The respondent police have objected to the return of the vehicle on the ground that it was involved in the commission of the offence and there is a possibility of its misuse if returned. However, it is well settled that vehicles, being case properties, should not be allowed to remain idle in police custody for a prolonged period, as they would be exposed to sun and rain and thereby lose their value. Considering the facts and circumstances of the case and the claim of the petitioner as one of the legal heirs of the registered owner, this Court is of the view that no useful purpose would be served by retaining the vehicle in police custody. In

the circumstances, this Court is inclined to return the vehicle, namely Hero Honda Passion Pro Motor Cycle bearing Registration No.TN-21-AP-0668 on the following conditions.

(1) The respondent police is directed to produce the vehicle bearing Registration No.TN-21-AP-0668 before the Judicial Magistrate No.I, Kancheepuram within one week from today.

(2) that the petitioner shall appear before the learned Judicial Magistrate No.I, Kancheepuram on any working day within 15 days and execute a fresh bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two surety for a like sum each.

(3) that the petitioner shall produce the said Hero Honda passion Pro Motor Cycle as and when required by the police and the court.

(4) that the Judicial Magistrate No.I, Kancheepuram is hereby directed to hand over the said vehicle to this petitioner after collecting the Original RC book of vehicle, the xerox copies of the necessary proof for the ownership of the petitioner in respect of the vehicle and direct the petitioner to produce the vehicle when the Form-91 would have been produced before the learned Judicial Magistrate No.I, Kancheepuram.

(5) that the petitioner shall not make any alteration, alienation or sell the vehicle or mortgage the vehicle till the disposal of the case.

//This order has been dictated by me to the Stenographer, typed by her on the computer, corrected and pronounced by me in the Court on this the 24th day of March 2026//.

Additional District & Sessions Judge,
Additional District & Sessions Court, (FTC)
Kancheepuram

Copy to:

1. File of this Court.
2. The Sub Inspector of Police, Vishnu Kanchi Police Station.
3. The Judicial Magistrate No.I, Kancheepuram
4. The counsel for the petitioner.

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D.D.24.03.2026
ADJ/KPM