

IN THE COURT OF THE JUDICIAL MAGISTRATE, MELUR

Present: Selvi.D.Thendhaal Muthu, L.L.M.,

Judicial Magistrate, Melur.

Dated this the 30th day of March 2026, Monday

CrI.M.P.No.357/2026

in

Cr.No.31/2026

Thiruppathi,
S/o.Chidambaram

...Petitioner

/Vs/

State through the Inspector of Police,
Keelavalavu P.S. in Cr.No.31/2026
U/s.303(2) BNS, 21(5) TN MMDR Act

... Respondent/Complainant

RPR.No. 24/2026

This petition coming on 30.03.2026 for final hearing before me in the presence of Thiru.S.Surendar learned counsel for Petitioner and the Learned APP for the Respondent/Complainant and upon perusal of the records, this court delivers the following.

ORDER

1. This is an application for the interim custody of 1) Tipper Lorry (bearing Registration No.TN 48 M 5232, Chassis No.MB1G3DWC09EDA3334, Engine No.DXH580483), 2) Bolero (bearing Registration No.TN 59 CY 8649, Chassis No.MA1XK2WJXK6C41904, Engine No.WJK6C27274) filed U/s. 503, 497 BNSS
2. The Learned counsel for the petitioner submitted that the 1) Tipper Lorry (bearing Registration No.TN 48 M 5232, Chassis No.MB1G3DWC09EDA3334, Engine No.DXH580483), 2) Bolero

(bearing Registration No.TN 59 CY 8649, Chassis No.MA1XK2WJXK6C41904, Engine No.WJK6C27274) is belonging to the petitioner. The above said 1) Tipper Lorry (bearing Registration No.TN 48 M 5232, Chassis No.MB1G3DWC09EDA3334, Engine No.DXH580483), 2) Bolero (bearing Registration No.TN 59 CY 8649, Chassis No.MA1XK2WJXK6C41904, Engine No.WJK6C27274) is very necessary to the petitioner and it may loss its own value, he prays for return of the property.

3. The respondent submit that if the petition is allowed, the petitioner may either damage/alter/alienate the alleged Tipper Lorry and Car and may not produce the property during trial. Hence the prosecution strongly opposed to allow this petition.
4. On perusal of records it could be seen that the above said 1) Tipper Lorry (bearing Registration No.TN 48 M 5232, Chassis No.MB1G3DWC09EDA3334, Engine No.DXH580483), 2) Bolero (bearing Registration No.TN 59 CY 8649, Chassis No.MA1XK2WJXK6C41904, Engine No.WJK6C27274) have been produced by the police before this court and remanded in RPR.No.24/2026. The reply given by the respondent side is also considered and there is no rival claim with respect to the subject property. Further on perusal of documents it shows that the petitioner is the owner of the property as well as his ID proof is verified. On considering the judgment of the Hon'ble Supreme Court in ***Sundarbhai Ambalal Desai Vs state of Gujarat***, this court is inclined to allow the petition on the following conditions

- * Before returning the vehicle a panchanama shall be prepared in Form No.82 of the Criminal Rules of Practice, 2019 as enumerated under Rules 257 of the said rules.
- * The petitioner shall produce an undertaking to submit the RC Book when called by this court.
- * The petitioner/owner of the vehicle shall photograph the 1) Tipper Lorry (bearing Registration No.TN 48 M 5232, Chassis No.MB1G3DWC09EDA3334, Engine No.DXH580483), 2) Bolero (bearing Registration No.TN 59 CY 8649, Chassis No.MA1XK2WJXK6C41904, Engine No.WJK6C27274) and produce the same before this court, that shall be duly certified by the learned counsel appearing for the petitioner/owner of the vehicle.
- * The petitioner/owner of the 1) Tipper Lorry (bearing Registration No.TN 48 M 5232, Chassis No.MB1G3DWC09EDA3334, Engine No.DXH580483), 2) Bolero (bearing Registration No.TN 59 CY 8649, Chassis No.MA1XK2WJXK6C41904, Engine No.WJK6C27274) shall not make any alteration of the vehicle.
- * The petitioner/owner of the 1) Tipper Lorry (bearing Registration No.TN 48 M 5232, Chassis No.MB1G3DWC09EDA3334, Engine No.DXH580483), 2) Bolero (bearing Registration No.TN 59 CY 8649, Chassis No.MA1XK2WJXK6C41904, Engine No.WJK6C27274) shall not pledge or alienate the vehicle or create any kind of encumbrances over the same
- * The petitioner/owner is also directed to file an affidavit before this court to the effect that he shall never alienate or alter the vehicle in any manner throughout the interim custody of the 1) Tipper Lorry (bearing Registration No.TN 48 M 5232, Chassis No.MB1G3DWC09EDA3334, Engine No.DXH580483), 2) Bolero (bearing Registration No.TN 59 CY 8649, Chassis No.MA1XK2WJXK6C41904, Engine No.WJK6C27274) and shall keep the vehicle available until a decision is taken regarding confiscation proceedings.
- * The petitioner/owner of the vehicle shall deposit a sum of cash surety of Rs.20,000/- into this court to the credit of this case and petitioner shall

execute a bond for sum of Rs.2,00,000/- on his own along with one surety of a sum of Rs.2,00,000/-.

- * The petitioner/owner shall produce the vehicle before this court on the first working day of every March, June, September and December until a final order is passed in the confiscation proceedings.

5. Accordingly, this petition is allowed and interim custody is granted to the present petitioner.

Dictated by me to the Steno-typist and typed by her in computer directly and corrected and pronounced by me in open court on this 30th day of March 2026.

Judicial Magistrate,
Melur.