

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.I AT PERAMBALUR

Present: Mrs.V.C.Thaarini, B.A., B.L.(Hons), M.L.,
Judicial Magistrate No.I,
Perambalur.

Friday, 12th day of June 2026

Cr.M.P No. 672 of 2026
(CNR. No.TNPB02-001689-2026)

In
Cr.No.131/2026

Alakesh, 20/2026,
S/o.Ravi

... Petitioner/Owner of the vehicle

Vs.

State of Tamilnadu
The Sub-Inspector of Police,
Perambalur Rural PS.
Cr.No.131/2026

... Respondent/Complainant

This petition came up before me on 11.06.2026 for inquiry in the presence of Thiru.S.Senthilvelan, Learned Advocate for petitioner and Learned APP Gr-I appearing for the State, upon hearing the counsel for the petitioner, perusal of materials available on record and having stood over for consideration till this day, this Court delivers the following,

ORDER:

1. The Petitioner has filed this petition U/s. 497 and 503 of BNSS seeking for return of property of Two wheeler Model YAMAHA R15 bearing Reg.No.TN 55 BH 1997 as interim custody. The petitioner has contended that the case property belongs to him.

2. After receiving this petition, notice was issued to prosecution. On receipt of notice, the prosecution submitted a reply that if the property is returned to the petitioner, he will not produce the same at the time of trial and that there are many chances to replace or sell the property. Hence, the prosecution strongly objected to return the property to the petitioner.

3. Heard and records perused. It is seen that the above said property was in the safe custody of Perambalur Rural PS in Cr.No.131/2026. The respondent police has not submitted the above said property to this Court. The petition reads that the property is a second-hand vehicle. The Registration Certificate in the name of the previous owner filed with the petition and “no objection” certificate for change of name is also filed. This Court is of the view that as property is a Motor vehicle and if it is kept unused for a long period, the engine of that vehicle may get spoiled and the value of the property will also get reduced.

4. Therefore as per the guidelines issued by the Hon'ble Supreme Court of India in ***Sundarbhai Ambalal Desai Vs. State of Gujarat reported in 2003(I)C.T.C. Page 175***, and taking into consideration the facts and circumstances of the case, this Court is of the opinion that it would be just and proper to handover the above said vehicle property to the petitioner under interim custody.

5. In the result, the respondent police is directed to produce the case property (i.e.) Two wheeler Model YAMAHA R15 bearing Reg.No.TN 55 BH 1997 with Engine No.G3N4E0044914 and Chassis No.ME1RG6717L0034598 to this Court within 15 days from the date of this order and after the property is numbered, the Head Clerk is directed to hand over the above said property to the petitioner herein under interim custody subject to the following conditions:-

1. The petitioner shall execute a personal bond and panchanama for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties. The sureties shall produce a copy of their Aadhar card and a copy of the front page of their bank passbook.
2. The petitioner shall deposit the photographs of the above said property (taken in different angles) with certificate under Section 63 of B.S.A.
3. The petitioner shall file an affidavit of undertaking stating that:
 - a) he will not alienate,
 - b) encumber or change of physical features of the above said property,
 - c) and shall produce the same as and when required by this Court.

This petition is allowed accordingly.

Dictated to Steno-Typist and directly typed by him in court Computer and after taking print out and after carrying out corrections wherever necessary and pronounced by me on 12th day of June 2026.

Judicial Magistrate No.I,
Perambalur.