

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

Present: Mr.R.Rajasekaran, L.L.M.,
Judicial Magistrate No.I(FAC),
Perambalur.

Wednesday, 8th day of April 2026

Cr.M.P No. 214 of 2026
(CNR. No.TNPB02-000573-2026)

In

Cr.No.22/2026

Vimalraj,
S/o.Selvam

... Petitioner/Owner of the vehicle

Vs.

State of Tamilnadu
The Sub.Inspector of Police,
Perambalur Town PS.
Cr.No.22/2026

... Respondent/Complainant

This petition came up before me on 08.04.2026 for inquiry in the presence of Thiru.R.Vijayakumar, Learned Advocate for Petitioner and Learned APP Gr-II appearing for State upon heard the both side arguments and perused the material available on records 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 Car Model Mahendra Xylo bearing Reg.No.TN 45 BH 7351 as interim custody. The Petitioner has contended that the case property is

belonged to him and he is the owner of the above said property.

2. After receiving this petition, notice was issued to Prosecution. On receipt of notice, the prosecution submitted reply that the investigation is still pending in this case. If the property is returned to the petitioner, he will not produce the same at the time of trial and there are many chances to replace or sell the property. It may affect the prosecution case. Hence, prosecution strongly objected to return the property to the petitioner and this petition may be dismissed.

3. Heard. Records Perused. On perusal of records, it is seen that the above said property is in the safe custody of Perambalur Town PS in Cr.No.22/2026 and it is received by this court in CP. No.82 of 2026. On perusal of the R.C. book found that the petitioner is the owner of the vehicle. The 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 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*, this Court is inclined to allow the petition.

5. Taking into consideration, the facts and circumstances of the case and also the guidelines issued in the above said case, the 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.

6. In the result, the case property (i.e.) Car Model Mahendra Xylo bearing Reg. No. TN 45 BH 7351 with Engine No.MLF4K22428 and Chasis No.MA1PT2MLXF2K19419 received in CP.No.82/2026 is directed to be handed over to the petitioner herein under interim custody subject to the following conditions:-
 1. The petitioner shall execute a personal bond and panchanama for Rs.2,00,000/- (Rupees Two Lakhs only) with Two solvent surety.
 2. The petitioner is directed to surrender the Original R.C. Book of the vehicle along with Memo.
 3. The petitioner shall produce the different angle photograph of the vehicle with CD.
 4. The petitioner shall produce the vehicle 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 8th day of April 2025.

(Sd/-).R.Rajasekaran
Judicial Magistrate No.I(FAC)
Perambalur.