

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.

Monday, 8th day of June 2026

Cr.M.P No.606 of 2026
(CNR. No.TNPB02-001472-2026)
In
W.L.O.R.No.1/2026

Koothappan, 50/2026,
S/o.Pachamuthu

... Petitioner/Owner of the vehicle

Vs.

State of Tamilnadu
Rep. by Forest Range Officer,
Perambalur.
W.L.O.R.No.1/2026

... Respondent/Complainant

This petition came up before me on 04.06.2026 for inquiry in the presence of Thiru.R.P.Ramesh, Learned Advocate for Petitioner and Learned APP Gr-I appearing for State, upon hearing the counsel for the petitioner and perusal of the materials available on record, 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 499 of BNSS seeking for return of property of Two wheeler Model Hero Hondo Splender bearing Reg.No.TN 46 Y 3286 and OPPO Mobile A3 5G 6GB 128GB as interim custody. The petitioner has contended that the above-mentioned properties belongs to him.

2. After receiving this petition, notice was issued to the 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 properties in custody of Perambalur Forest Range Office in WLOR.No.1/2026 was received by this Court in CP. No.89 of 2026. The petitioner has enclosed a letter dated 28.02.2026 from Sriram Finance Limited, that the original R.C. book is in the bank for loan purposes. Receipt dated 28.11.2024 concerning purchase of the mobile phone annexed. These documents show that the petitioner is the owner of the vehicle and the mobile phone.
4. This Court is of the view that as the properties are Motor vehicle and cell phone and if kept unused for a long period, the engine of that vehicle and cell phone may get spoiled and the value of the property will also get reduced. 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. 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 properties to the petitioner under interim custody.

5. In the result, the case property (i.e.) Two wheeler Model Hero Hondo Splender bearing Reg.No.TN 46 Y 3286 with Engine No.HA10AGK5G18752 and Chassis No.MBLHAW088K5G12044 and OPPO Mobile A3 5G 6GB 128GB received in CP.No.89/2026 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.1,50,000/- (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 properties (taken in different angles) with certificate under Section 63 of BSA.
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 properties,
 - 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 8th day of June 2026.

Judicial Magistrate No.I,
Perambalur.