

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.

Wednesday, 24th day of June 2026

Cr.M.P No. 728 of 2026
(CNR. No.TNPB02-001895-2026)

In
Cr.No.305/2026

Chinnadurai, 38/2026,
S/o.Periyasamy.

... Petitioner/Owner of the vehicle

Vs.

State of Tamilnadu,
Rep. by Sub-Inspector of Police,
Perambalur Town PS.
Cr.No.305/2026

... Respondent/Complainant

This petition came up before me on this day for inquiry in the presence of Thiru.K.Dhineshkumar, 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 Ashok Leyland Ltd. Tipper Lorry bearing Reg.No.TN 75 AZ 4699 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 Town PS in Cr.No.305/2026 and that it is received by this Court in CP. No.159 of 2026. The petitioner has submitted a letter dated 08.06.2026 from Sundaram Finance Ltd., that the original R.C. of the vehicle is with them. 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 case property (i.e.) Tipper Lorry bearing Reg.No.TN 75 AZ 4699 with Engine No.PCHZ433741 and Chassis No.MB1H3LHD6PRCR3164

received in CP.No.159/2026 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 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) shall produce the same as and when required by this Court,
 - d) and shall not use the vehicle for criminal activity

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 24th day of June 2026.

Judicial Magistrate No.I,
Perambalur.