

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.

Thursday, 4th day of June, 2026

Cr.M.P No.653 of 2026
(CNR.No.TNPB02-001637-2026)

In
Cr.No.286/2026

Elango Stone Cresher Owner,
Elangovan, 32/2026,
S/o.Palanimuthu.

... Petitioner/Owner of the vehicle

Vs.

State of Tamilnadu,
Rep. by Inspector of Police,
Perambalur Town PS.
Cr.No.286/2026

... Respondent/Complainant

This petition came up before me on 03.06.2026 for inquiry in the presence of Thiru.T.Balamurugan, Learned Advocate for Petitioner and Learned APP Gr-I appearing for State, upon hearing both side arguments and perusal of material 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/ss. 497 and 503 of BNSS Act seeking for return of property of Ashok Leyland Ltd. Tipper Lorry bearing Reg.No.TN 46 AF 6243 as interim custody. The Petitioner has contended that the case property is belongs to him.

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, 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 and this petition may be dismissed.
3. Heard both sides. 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.286/2026 and it is received by this Court in CP. No.137 of 2026. The petitioner has submitted a letter from INDUS IND BANK Ltd., that the original RC of the vehicle is with them. The Court is of the view that as the property is a Motor vehicle, 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(1)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 vehicle property to the petitioner under interim custody.

5. In the result, the case property (i.e.) Ashok Leyland Ltd. Tipper Lorry bearing Reg.No.TN 46 AF 6243 with Engine No.926956D0184635 and Chassis No. MEC841FBBSP177221 received in CP.No.137/2026 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 65-B of the Evidence Act 1872 (Central Act 1 of 1872).
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 4th day of June 2026.

Judicial Magistrate No.I
Perambalur.