

**IN THE COURT OF THE JUDICIAL MAGISTRATE NO II,
RAMANATHAPURAM**

**Present: Thiru. S.B. Sujith, B.A.,B.L.,(HONS)
District Munsif cum Judicial Magistrate, Rameshwaram
Judicial Magistrate No II(FAC), Ramanathapuram
Monday, the 09th day of March 2026
CIS Cr.M.P. No.223/2026
CNR NO. TNRM02-000643-2026**

Rajkumar,
S/o.Malaiyandi

..... Petitioner

Versus

1. State represented by the Inspector of Police,
Erwadi Dharga Police Station,
Ramanathapuram.
Cr.No. 33/2026

2. State represented by the Inspector of Police,
PEW, Ramanathapuram

..... Respondent

For Petitioner : Tr. A.David. Advocate.
For Respondent : Tr. Elango. APP.

This petition taken on file on 23.02.2026 and coming up for final hearing on 09.03.2026. Upon hearing the arguments of both sides and upon perusal of the records and having stood over for consideration till this day, this court delivers the following.

ORDER

This is a petition filed by the petitioner under sections 497 and 503 of the BNSS for interim custody of the TVS Scooty Pep Plus Bike bearing Registration No. TN 65 AT 1698 (Engine No.AK1AP2402850, Chassis No. MD626AK13P2A03083) which was seized by the respondent police.

1. The Petitioner had submitted that, he is the owner of said vehicle and the same was seized by the police in pursuance of offence punishable under section

4(1)(C) TNP (Amendment) Act. The property is not yet produced before this court. The Petitioner has produced the delivery note to show her ownership. The said vehicle is essential for petitioner's day to day life. The Petitioner contented that, if the vehicle is kept idle at the respondent police station, the mechanical condition of the vehicle will get deteriorated due to weather conditions and it would become useless. The Petitioner is ready to abide any condition and willing to produce sufficient sureties. The Petitioner assured that, he would not alter or sell the property if interim custody of the same is given to him. Therefore prayed to direct the respondent police to produce the property before this court and on such production the interim custody of the property may be handed over to him.

2. On the other hand, the respondent No.1 Ervadi Dharga police had contended that, the vehicle is handed over to the Prohibition enforcement wing, Ramanathapuram for confiscation proceedings through Memo 18/GNL/Memo/G3PS/RMD/24.02.2026. If the property is handed over to the petitioner, the vehicle could not be confiscated. This court has ordered for implication of PEW, Ramanathapuram as respondent No.2 and issued notice to PEW, Ramanathapuram in D.No.440, Dated: 03.03.2026. In spite of sufficient chase for over four hearings PEW, Ramanathapuram has not submitted any objection as to the property confiscated proceedings.

3. Heard both sides. Records perused. On perusal of records, it is found that the vehicle has been handed over to PEW, Ramanathapuram and no order of confiscation has been submitted by R2. Admittedly, as per order of Hon'ble High Court of Madras in CrI.R.C. 273/2020 this court finds confiscation has not been ordered till date and even if ordered in future the vehicle can be made to be produced before this court. The Petitioner is accused in this case. Further this court finds through Photo copy of Registration Certificate that the petitioner is the owner of the vehicle and the ownership of the petitioner was also not disputed by the respondent police. The property is not remanded before this court. Keeping the vehicle in the custody of the police would serve no purpose. If proper panchnama is prepared, that can be used as evidence during trial.
4. Considering the facts and circumstances of this case, the fact that the respondent has not denied that the petitioner is the owner of the property, if the property is kept idle, the mechanical condition of the vehicle would diminish and in the interest of justice, this court is inclined to give interim custody of the said TVS Scooty Pep Plus Bike bearing Registration No. TN 65 AT 1698 (Engine No.AK1AP2402850, Chassis No. MD626AK13P2A03083) to the Petitioner. Therefore the respondent police is directed to produce the property within 7 days from the date of this order and on such production the interim

custody of the property is ordered to be given to the petitioner subject to the confiscation proceedings to be taken by PEW, Ramanathapuram or by this court in future. On the following conditions.

- i. The Petitioner shall execute bond for Rs. 50,000/- with two sureties for like sum to the satisfaction of this court.
- ii. The Petitioner should produce 4 side photographs of the property duly signed by him for the purpose of marking during the trial.
- iii. The petitioner directed to surrender the original RC Book in this court.
- iv. The head clerk is directed to prepared panchanama for purpose of trial.
- v. The Petitioner should keep the property in safe interim custody and should not sell, mortgage or alter the property and should produce the same before this court monthly once on first working day till the filing of final report.

Dictated by me to typist and typed by him and corrected and pronounced by me on 09.03.2026.

**Judicial Magistrate No.II(FAC),
Ramanathapuram.**

