



IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESWARAM.

Present: Tr.S.B.Sujith,B.A.,B.L.,(Hons)
District Munsif cum Judicial Magistrate, Rameswaram

Dated this the 23rd day of March 2026

CrI.M.P No: 125/2026

CNR.No.TNRM05-000160-2026

U.Thannasi(41/2026)
S/o.Uruvatti,
D.No.1/229, East Street,
K.Veppangulam,
Ramanathapuram District.

...Petitioner/Accused

-Vs -

1. State through Sub Inspector of Police,
Rameswaram Town Police Station,
Cr.No.29/2026

... 1st Respondent/Complainant

2. Chithiraisamy,
S/o.Marimuthu,
Kottaimedu,
Kamuthi.

... 2nd Respondent/Owner of the Property

ORDER

1. The petition has been filed U/s.497 and 503 of BNSS seeking interim custody of Piaggio Auto Three wheeler bearing registration number TN 65 Z 4171 in Cr.No.29/2026, U/s.281 BNS @ 281, 125 BNS r/w 184, 174 MV Act of Rameswaram Town PS.

2. Learned counsel for petition submitted that the Piaggio Auto Three wheeler bearing registration number TN 65 Z 4171 vehicle was bought from the 2nd respondent based on motor vehicle sale agreement and also the still the vehicle registration name was not



transfer from the 2nd respondent name to petitioner name. In this situation on 01.02.2026 the said vehicle was seized by the Respondent Police and included in the case. The petitioner/accused is doing work using the above-mentioned auto. Without the said Vehicle the daily life of the petitioner would be affected. The petitioner nor the vehicle has anything to do with this case. If the said Vehicle is handed over to the petitioner he will not sell it or change its appearance. The above said vehicle not used and kept in Respondent police station. So, the vehicle is exposed to sun and rain without protection in respondent PS. So the vehicle get wasted and damaged. He is ready to abide by any condition ordered by this court. Therefore, the Piaggio Auto Three wheeler bearing registration number TN 65 Z 4171 is to be hand over the petitioner in the interim custody.

3. In the objection filed by the 1st respondent side, it is submitted that on 01.02.2026 at 19.00 hours the police party during vehicle inspection in Rameswaram Ramartheertham at the time the accused has driven his three wheeler named Piaggio Auto Three wheeler bearing registration number TN 65 Z 4171 in public roads in dangerous way and driving at dangerous speeds in public road. When the police tried to stop the three-wheeler, the accused, upon seeing the police, stopped the vehicle and fled. Further the vehicle was seized based on attachi and brought up to the station. The accused has more than twenty previous case and also history sheet has been maintained by the kamuthi police against the accused. The accused is an A1 category rowdy in the Madurai City Police Commissioner's office register. The auto left by the accused was searched and sword was hidden there. Since the accused is absconding and the investigation is pending. Hence, strongly objected that it should not be handed over to the petitioner.

Further, the affidavit filed by the 2nd Respondent/Owner of the property, it is submitted that on 20.03.2024 the 2nd respondent/Owner of the property was sold the vehicle to the petitioner based on vehicle sale agreement. Further submitted that the 2nd respondent doesn't have in any objection handing over the vehicle to the petitioner.



4. Both sides heard and documents perused. it is found that the above said Cr.No.29/2026, U/s.281 BNS @ 281, 125 BNS r/w 184, 174 MV Act, Respondent police has seized Piaggio Auto Three wheeler bearing registration number TN 65 Z 4171 from the accused and the same has not been produced before this court and has not been given PR number. Further no documents as to seizure mahazar has been produced before this court.

In this connection, the Hon'ble Apex court held in *Sundarabai Ambalal Desai [2003 SCC(Crl)1440]* " case held that marking the seizure report along with photograph or videograph is sufficient to prove the factum of seizure. Further, the petitioner also undertakes to produce the Piaggio Auto Three wheeler bearing registration number TN 65 Z 4171 at the time of trial. Therefore, considering the nature of the case, the case property kept in without using it at the court premises is not useful to any persons, Further, the petitioner also undertakes to produce the vehicle at the time of trial. In view of the dictum laid down by the Hon'ble Supreme Court aforesaid case the interim custody of the vehicle is given to the petitioner on following conditions.

- i) The petitioner is directed to take Photograph of the property and submit to the court. Head clerk of this court is directed to prepare panchanama for the so as to marking the same at the time of trial, in the presence of the petitioner and the respondent.
- ii) The petitioner shall not alter or modify or sale the vehicle till the disposal of the case and produce the property whenever this court order to produce before this court to that effect he shall execute own bond for Rs.2,00,000/- with two surety for Rs.1,00,000/- to the satisfaction of this court
- iii) The petitioner shall produce affidavit stating that the petitioner will not committ offence as to motor vehicles act again using the vehicle.
- iv) The petitioner shall transfer the RC Book name from the 2nd respondent/owner of the property to his name and surrender the original RC book to this court

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by 23.04.2026.

Dictated by me to typist directly and typed by him corrected and pronounced by me
on 23.03.2026.

District Munsif cum
Judicial Magistrate,
Rameswaram.