

**IN THE COURT OF THE JUDICIAL MAGISTRATE, THIRUVADANAI.**

Present : Present : Thiru. J. Antony Rishandev, B.B.A., L.L.B (Hons).
Judicial Magistrate,
Thiruvadanai.

Dated, Friday the 03rd day of July 2026

Cr.M.P. No. 414/2026

in

Cr. No.71/2026

Singarayar
S/o. Arulanandhu
Soliyakudi
Thiruvadanai Taluk
Ramanathapuram District.

..... Petitioner / Accused

/VS/

1. State Rep. By,
The Inspector of Police,
Thondi Police Station.
Cr. No.71/2026
2. The Assistant Director,
Geology and Mining Department,
Ramanathapuram.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Ramanathapuram.
4. The Tahsildar,
Taluk Office,
Thiruvadanai.
5. Vilvadurai S/o.Thangarj

..... Respondents / Complainant

This petition is coming on this day before me for final hearing this court in the presence of Mr.N.Mohamed Jifri Advocate for the Petitioner /Accused and of concerned counsel court police represented for the respondent No.1 and Respondents 2 to 4 were called absent and after considering the arguments of petitioner side and the prosecuting side and upon perusing the relevant records and having stood over for consideration till this day, this Court has passed the following,

Order for Interim Custody of Property

1. Filing of Petition:



This petition is filed under Section 497 and 503 of the Bharathiya Naya Suraksha Sanhita (BNSS), seeking interim custody of the property, namely a , Tractor bearing Registration No. TN-46-Q-6900, Chassis No. WRTH30428120018 and Engine No. 391354/SSH08960A. The said vehicle was seized by the Thondi Police in connection with Crime No. 71/2026 registered under Section 303(2) of the BNS r/w Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner/accused has requested that the vehicle be returned on an interim basis, claiming it as his property.

2. Notice and Response:

Upon issuance of notice, the prosecution filed its reply. It is submitted that the prosecution apprehends that if the vehicle is handed back to the petitioner and he will not produced the vehicle to the court when the case requires it. Further submitted P.R.Number has not been issued to the concerned property .Hence, the prosecution has prayed for dismissal of the petition.

3. Contentions of the Petitioner:

The learned counsel for the petitioner argued that the Tractor, belongs to the petitioner, and it was seized by the police from the accused in this case. The vehicle is currently held in police custody. It was submitted that the petitioner's livelihood is dependent on this Tractor and if the vehicle remains idle for a long period, its value will diminish, and the engine may suffer damage. Hence, the petitioner sought interim custody of the vehicle, subject to appropriate conditions. The Tractor vehicle was sold to the petitioner through Form 29, Form 30 on 05.01.2026 and the above vehicle has been in the possession of the petitioner since then.

4. Legal Considerations:

The court considered the relevant legal provisions under Section 497 and 503 of BNSS, which empowers the court to pass appropriate orders for the disposal of property during the pendency of the trial. The purpose of Section 497 and 503 of BNSS is to ensure that the property is not unnecessarily detained or damaged and is disposed of in a way that benefits all parties, pending trial.

Furthermore, the Hon'ble Supreme Court, in the case of **Sunderbhai Ambalal Desai v. State of Gujarat** [(2003) 1 CTC 175], laid down specific guidelines for Magistrates to deal with seized property. The Court emphasized that valuable properties, particularly vehicles, should not be allowed to



deteriorate in police custody for extended periods. Instead, such properties should be returned to their rightful owners under appropriate terms and conditions, as the owner will act as a trustee or bailee, and the property can be produced as evidence when required.

5. Assessment of Facts:

In the present case, the ownership of the Tractor is not disputed. Since, the person named Vilvadurai S/o.Thangaraj who is named as owner in the RC book appeared in person before this court and filed an affidavit stating that he sold the property (ie) Tractor bearing Registration No. TN-46-Q-6900 to the petitioner on 05.01.2026. The petitioner is engaged in an occupation that heavily relies on the use of this Tractor. Given that the vehicle is a motorized one, keeping it idle in the police station may result in engine damage and depreciation in value. As per the guidelines set forth in **Sunderbhai Am-balal Desai**, the vehicle should be handed over to the petitioner as interim custody to prevent any deterioration in its condition.

6. Conclusion:

After considering the facts, the guidelines laid down by the Hon'ble Supreme Court, and the relevant legal provisions under Section 497 and 503 BNSS, this court is of the opinion that it would be just and proper to hand over the custody of the seized Tractor to the petitioner under certain stringent conditions to ensure that the vehicle remains intact and available for trial.

7. Order:

In view of the above discussion, the petition is allowed, and the case property, i.e., the Tractor bearing Registration No. TN-46-Q-6900, Chassis No. WRTH30428120018 and Engine No. 391354/SSH08960A is directed to be handed over to the petitioner as interim custody, subject to the following conditions:

1. The Respondent Police is hereby directed to produce the vehicle before this court to get P.R.Number.
2. Once the P.R.Number is allotted, the petitioner shall execute a bond for a sum of Rs.5,00,000/- with one solvent surety.
3. The Petitioner is directed to produce the original R.C.Book of the, Tractor in this court.
4. The petitioner shall not sell, transfer, or pledge the property in any manner.



5. The petitioner shall not alter the structure, color, or any other feature of the vehicle.
6. The petitioner shall maintain the vehicle in the same condition and produce it before the court as and when required.
7. The petitioner shall pay all statutory dues related to the vehicle as they arise.
8. The petitioner is directed to prepare and produce panchanama describing the identity of the said vehicle.
9. The petitioner shall cause three color photographs of the vehicle to be taken. One copy shall be submitted to the court, one shall be added to the case diary file, and one shall be retained by the petitioner. The petitioner shall endorse on the reverse of the photographs that he will not dispute the identity of the vehicle at the time of trial.
10. The Head Clerk of this court shall attest the photographs to confirm that they depict the vehicle in question.
11. The petitioner and the Head Clerk are directed to appear before this court for recording evidence as and when required.
12. If sand is available in the vehicle shall be handed over to the Revenue Divisional Officer concerned. The receipt of the same shall be produced before this court.
13. If sand is not available "Non availability certificate" shall be issued by the Respondent police to the petitioner and the same shall be produced before this court.
14. The petitioner shall participate in the confiscation proceedings, the vehicle shall produce before this court as and when required during confiscation proceedings. This order is subjected to the confiscation proceedings.

Dictated to the Typist, directly typed by her in computer, corrected and pronounced by me,
this the 03rd day of July 2026.

Judicial Magistrate
Thiruvadanai.