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Crl.M.P.No.622 of 2026

IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

PRESENT: THIRU. J.KARMEGAKANNAN, B.A., B.L.,

JUDICIAL MAGISTRATE, KARAIKUDI

Thursday, the 09th day of July 2026

Crl.MP.No.622 of 2026

Crime No.82 of 2026

(On the file of Sakkottai Police station)

CNR No.TNSV19 – 001 – 166 - 2026

G. Dhanasekaran,

S/o.Gandhirajan

. . . Petitioner/Owner of the
Property/3rd party

Vs

1. The Inspector of Police

Sakkottai PS

Cr.No.82/2026

. . . Respondent/Complainant

2.Silvarasu,

S/o.Manickam,

Door No.5, Salaikiramam Road,

S.Sooranam, Sivagangai District.

..... 2nd Respondent

On today, this petition coming for final hearing before me on 09.07.2026 in the presence of Advocate Mr.P.Rajeshkanna for the Petitioner and Learned Assistant Public Prosecutor for the Respondent. Upon perusing the records and having stood over for consideration, this court delivers the following.



ORDER

1.This petition has been filed under Sections 497 and 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking release of the vehicle bearing Registration No. TN 63 AP 4061, Hero Bike, which was seized in connection with Crime No.82 of 2026 on the file of the respondent police for the alleged offences under Sections 4(1)(c) of the Tamil Nadu Property (Prevention of Damage and Loss) Act.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the aforesaid vehicle. The petitioner received the vehicle from the 2nd respondent on 01.12.2024 but was unable to effect a name change due to certain circumstances therefore, Silvarasu has been impleaded as the 2nd respondent in this petition. It is further submitted that the vehicle is now under the custody of the respondent police and that continued retention of the vehicle would cause unnecessary hardship and deterioration of its value. The petitioner has undertaken to comply with any condition that may be imposed by this Court and prayed for release of the vehicle on interim custody.

3. This Court heard the submissions made on Petitioner side and perused the materials available on record.



4. Admittedly, the vehicle in question is under the custody of the respondent police. Though the respondent police have not produced the vehicle before this Court. However, the factum of seizure of the vehicle and the ownership claimed by the petitioner have not been disputed by the respondent police.

5. This Court is unable to accept the reason assigned by the respondent police for non production of the vehicle. Records reveal that sufficient time had already been granted to the respondent police from 05.06.2026. onwards for production of the vehicle before this Court. Despite such opportunity, the vehicle has not been produced till date.

6. Further, the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai Vs. State of Gujarat* has categorically held that seized vehicles and properties should not be allowed to remain in police custody for a long period as the same would result in deterioration of their value and condition. The Courts are expected to pass appropriate orders for interim custody subject to necessary safeguards.

7. Considering the facts and circumstances of the case, the undisputed ownership of the petitioner, the prolonged retention of the vehicle by the respondent police and the principles laid down by the Hon'ble Apex Court, this



Court is of the view that the ends of justice would be met by directing the respondent police to produce the vehicle before this Court and thereafter release the same to the petitioner on interim custody subject to stringent conditions.

8. Accordingly, this petition is allowed and the respondent police are directed to produce the vehicle bearing Registration No. TN 63 AP 4061, Hero bike, before this court within one week from the date of receipt of a copy of this order. Upon such production, the vehicle shall be released to the petitioner on interim custody subject to the following conditions:-

1. The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of this court.

2. The petitioner shall produce the original Registration Certificate of the vehicle before this court and the same shall remain in the custody of this Court till disposal of the case or until further orders.

3. Before release of the vehicle, the respondent police shall take colour photographs of the vehicle from all possible angles clearly showing the registration number, chassis number, engine number and the overall condition of the vehicle. The photographs shall be duly certified and filed before this court.



4. If necessary, a videograph of the vehicle shall also be taken and preserved as part of the case records.

5. The petitioner shall not alter, modify, alienate, transfer, encumber or create any third-party interest over the vehicle till conclusion of the proceedings.

6. The petitioner shall not change the identification features of the vehicle including its registration number, engine number, chassis number or colour.

7. The petitioner shall keep the vehicle in good condition and shall produce the same before the Investigating Officer or before the Court as and when required.

8. The petitioner shall file an affidavit undertaking that he will produce the vehicle whenever directed by the Court and that he will not dispute its identity during trial.

9. In the event of violation of any of the above conditions, the interim custody granted under this order shall stand liable to be cancelled and appropriate proceedings shall be initiated in accordance with law.

Order pronounced by me in the open court on the 09th day of July 2026.

Judicial Magistrate,
Karaikudi.