

**IN THE COURT JUDICIAL MAGISTRATE, THENI**

Present: Thiru. P.Aasay Marudhu, B.A., L.L.B.,
Judicial Magistrate [F.A.C], Theni.

Monday this the 23th day of March 2026

Crl.M.P. No.586 of 2026

CNR.No. TNTH020009902026

M.Karthikraja (32/2026)

S/o.Mariyappan

....Petitioner/Owner of the property

.Vs.

1) State through,
Rep by Sub-Inspector of Police,
Theni Town Police Station
(Crime No:692/2025)
U/s.303(2) BNS Act

2) Sridhar

....Respondent/Complainant

This petition has come up on 23.03.2026 for final hearing before me in the presence of M.Prakash, M.Sc., L.L.B., learned counsel appearing for the Petitioner/Owner of the property and Learned APP for the respondent and upon hearing both side and upon perusal of the records, this court delivers the following.....

ORDER

This petition is filed by the Petitioner U/s.497, 503 BNS Act for the interim custody of the case property pending disposal of the case.

1. BRIEF AVERNMENTS IN THE PETITION

a) The petitioner states that above case is pending for investigation and in said case of his property namely **TN 58 P 0650 Hero Honda Splendor Blue with Black Two wheeler** as it seized by the respondent police in above case and is kept in the custody of the respondent police and that this petition is filed to hand over the said property to this petitioner as interim custody by undertaking



that he will not sell, mortgage the same and will abide by the conditions imposed by this court and prays to allow this petition.

b) On numbering of this petition, notice was ordered to the respondent police and reply received from the respondent police that if the property under this petition is returned to the petitioner might sell the bike, and because the property involved in the case needs to be subjected to RPR and since the case is under investigation and so, strongly oppose this petition and Learned APP concerned that if the property under this petition is returned, she may not appear for hearings and so, strongly oppose this petition.

c) Since the property was standing in the name of one Sridhar notice was send to the said person for stating his objections. In spite of service of notice, the said Sridhar failed to appear before this court for stating objections. The petitioner has filed document showing that the vehicle was purchased by him from the said Sridhar and the petitioner was taking steps for transfer the vehicle name to his name.

3. POINTS FOR CONSIDERATION:

WHETHER THE CASE PROPERTY AVERRED IN THE PETITION CAN BE HANDED OVER TO THE CUSTODY OF THE PETITIONER, IF SO, WHAT SHALL BE THE CONDITIONS IF ANY?

a) Heard both sides. Records perused. The records shows that the above case property namely vehicle **Reg.No.TN 58 P 0650 Hero Honda Splendor Blue with Black Two wheeler** which is about to be produced before this court. Hence this court forms opinion that detaining the property either in the court premises or in the Police Station premises would not fetch any use. Moreover such detention would result in causing damage and depreciation to the property as observed by *Hon'ble Supreme court in Sundar Bai Ambalal Desai Vs. State of Gujarat, reported in AIR 2003 SC 638*. Hence in order to avoid any damage to the property, this court finds that it is appropriate to return the property to the



petitioner as interim custody. Therefore, this court ordered that the property involved in Theni Town P.S. Cr.No.692 of 2025 shall be given only as interim custody to the petitioner M.Karthikraja (32/2026) S/o.Mariyappan. In the result the petition is allowed and the respondent police is directed to produce the case property before this court and upon production, the petitioner is entitled to receive the interim custody of the same subject to fulfilment of the following conditions :-

- a) The petitioner is required to executed a bond for sum of Rs.50,000/- along with two sureties for the like sum.
- b) The petitioner after receipt of the vehicle shall transfer RC book in his name and shall produce the certified copy of RC book before this court within two months from the date of this order.
- c) The petitioner shall make an undertaking to produce the property whenever required by this court and also at the time of giving evidence before this court.
- d) The petitioner is required to make a personal undertaking that he would not alter the nature as well as the feature of the property in any manner.
- e) The petitioner shall produce attested photo with C.D. and undertaking affidavit along with sec 63(B) certificate of B.S.A.
- f) Necessary panchanama is to be obtained from the petitioner and sureties.

Dictated to Steno typist and typed by her and corrected by me and pronounced by me on 23th day of March 2026.

Judicial Magistrate(FAC),
Theni.