

IN THE COURT OF THE FIRST ADDITIONAL DISTRICT & SESSIONS JUDGE,
TIRUNELVELI

PRESENT: Thiru. D. SELVAM, M.L.
I Additional District & Sessions Judge,
Tirunelveli.

Tuesday, the 27th day of January 2026

M.P. No.13/2025 in
SC No. 564/2022

Balamurugan,
S/o. Alagupandian

... Petitioner/ 1st accused

//Versus//

1. K.Navin, S/o. Kumar

... Respondent/ Owner

2. The State of Tamil Nadu Rep. By
the Inspector of Police,
Thatchanallur Police Station,
Cr. No.135/2022

... Respondent/Complainant

This petition came before me on 20.01.2026 in the presence of Thiru. S. Angappan, Advocate for the petitioner and Thiru. M. Karunanithi, Additional Public Prosecutor for the State and the 1st respondent was not appear before this court, and upon hearing the arguments on both sides and on perusing the records and having stood over till this date for consideration, this court delivers the following ...

ORDER

1. This petition is filed under section 497 of the B.N.S.S. to return the Innova 2.5 G Car bearing registration no. TN-11-E-1861.

2. The petitioner is the owner of the vehicle bearing registration no. TN-11-E-1861, and he is the 1st accused in this case. Even though the 1st respondent is the

owner of the said vehicle on the RC book, the petitioner was purchased on the agreement in the month of April 2020. But, he was not transferred the ownership of the vehicle in his name. The said vehicle is remanded in P.R.No.202/2022 of this case by the Judicial Magistrate No. IV, Tirunelveli. Now, the petitioner requires the car for his own use. Hence, this petition.

3. The learned Additional Public Prosecutor has filed the reply of the police and objected that the original owner was not found.

4. Whether the petitioner is entitled to the relief as prayed for?

5. Heard both sides. This court carefully perused the records. Upon the records and the submissions, the petitioner purchased the car registration number TN-11-E-1861 based on the agreement dated. 17.04.2020. But the petitioner has not transferred the ownership for the past 5 years, and no reason is offered. Further, the car was seized by the police from the petitioner and remanded into judicial custody in the year 2022. After that, the petitioner has not submitted any application for the return of the property for more than 3 years.

6. As per the records, the RC book stands in the name of the 1st respondent, who has not appeared, and his service also returned as not found. This court also directs the police to submit a report on the vehicle involved in any other offences or missing car complaints. But the police have not filed any report in this aspect.

7. So, this court, considering the records of the agreement, the original RC book, and the idle position of the car. Further, the car was seized by the respondent police from the petitioner on 25.04.2022 in Cr. No.135/2022 and remanded in PR No. 202/2022. The case is also pending for trial. At this stage, this court considers the judgments of the Hon'ble Supreme Court as

“Sunderbhai Ambala Desai (Vs.) State of Gujarat, (2002) 10 SCC 283,”

In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the magistrate to pass appropriate orders immediately by taking an appropriate bond and guarantee, as well as a Special Leave Petition (Crl.) No. 13370/2024 Page 13 of 31 security for the return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.”

“Bishwajit Dey (Vs.) The State of Assam, 2025 INSC 32,”

21. Upon a reading of the NDPS Act, this Court is of the view that the seized vehicles can be confiscated by the trial court only on conclusion of the trial when the accused is convicted or acquitted or discharged. Further, even where the Court is of the view that the vehicle is liable for confiscation, it must give an opportunity of hearing to the person who may claim any right to the seized vehicle before passing an order of confiscation. However, the seized vehicle is not liable to confiscation if the owner of the seized vehicle can prove that the vehicle was used by the accused person without the owner's knowledge or connivance and that he had taken all reasonable precautions against such use of the seized vehicle by the accused person. 22. This Court is further of the opinion that there is no specific bar/restriction under the provisions of the NDPS Act for return of any seized vehicle used for transporting narcotic drug or psychotropic substance in the interim pending disposal of the criminal case. 23. In the absence of any specific bar under the NDPS Act and in view of Section 51 of NDPS Act, the Court can invoke the general power under Sections 451 and 457 of the Cr.P.C. for return of the seized vehicle pending Special Leave Petition (Crl.) No. 13370/2024 Page 26 of 31 final decision of the criminal case. Consequently, the trial Court has the discretion to release the vehicle in the interim. However, this power would have to be exercised in accordance with law in the facts and circumstances of each case.

34. This Court is also of the view that if the Vehicle in the present case is allowed to be kept in the custody of police till the trial is over, it will serve no purpose. This Court takes judicial notice that vehicles in police custody are stored in the open. Consequently, if the Vehicle is not released during the trial, it will be wasted and suffering the vagaries of the weather, its value will only reduce. 35. On the contrary, if the Vehicle in question is released, it would be beneficial to the owner (who would be able to earn his livelihood), to the bank/financier (who would be repaid the loan disbursed by it) and to the society at large (as an additional vehicle would be available for transportation of goods).

8. As per the above-relied judgments, this court considers that the vehicle was seized from the petitioner. The owner/1st respondent has not found out, and the original RC book and sale agreement was placed before this court, and insurance is also paid up to date in the name of the 1st respondent by the petitioner. So, this court would like to allow the petition with the following conditions by the interest of justice.

9. In the result, this petition is allowed with the following conditions.

- i) The petitioner shall execute an own bond for Rs. 8,70,000/- with one surety for a like sum to the satisfaction of this court with property document.
- ii) The petitioner shall surrender the Original R.C. Book before this court. The solvency certificate shall produce with the vehicle documents.
- iii) The petitioner shall produce the vehicle before this court on the first working day of every month until further orders.
- iv) The petitioner shall file an undertaking in writing in court that he will not alienate or encumber or alter the property handed over to him.
- v) A detailed panchanama with regard to the property handed over to the petitioner shall be prepared and shall be attested by the petitioner and the Head Ministerial staff of the court.
- vi) A photograph of the property shall be taken in such a manner that the registration number, brand etc., are visible clearly.
- vii) The petitioner should not transfer the RC book in his name without the permission of this court.

This order was directly dictated by me to the Steno-typist Grade-I and typed by her on a computer and corrected and pronounced by me in the open Court on this 27th day of January 2026.

1st Additional District & Sessions Judge,
Tirunelveli.