

IN THE COURT OF THE JUDICIAL MAGISTRATE VALLIYOOR

PRESENT : Thiru P. Moses Jebasingh. B.Sc, M.L.,

Judicial Magistrate, Valliyoor.

Dated the 05th day of June 2026

CrIMP.No. 418/2026

in

Cr. No. 593/2026

Divaharan, S/o. Lingam

... Petitioner/ Owner of the vehicle

/Vs./

State of Tamil Nadu through

Inspector of Police, Panagudi P.S

... Respondent/Complainant

This petition is coming before me on 03.06.2026 for Return of Property and filed by Advocate Mr. P. Vanumamalai appeared for petitioner and the Assistant Public Prosecutor Grade II for state, heard both sides, perused the records and this court passed the following.

ORDER

1. This petition has been filed U/s. 497 and 503 of BNSS, to grant interim custody of the vehicle bearing Reg. No.TN 72 DW 6201.

Petition in Brief:

2. The petitioner is the owner of the Vehicle bearing registration No: TN 72 DW 6201. The petitioner stated that the Inspector of Police, Panagudi registered a case in Cr.No. 593/2026 under section 303(2) of BNS. Now the said vehicle is under custody of the respondent police. If the vehicle is presently parked in the front yard of the respondent Police Station under sunlight and rain, if it will kept for more time it will rust and loss its value and nature. The petitioner is ready to produce solvent sureties to the satisfaction of this Hon'ble Court. Hence the Court may be pleased to order interim custody of the vehicle to the petitioner.

Counter in Brief:

3.If the case property bearing registration No: TN 72 DW 6201 had been handed over to the petitioner, there is possibility of selling, Mortgage or modified by the petitioner and also the petitioner will not produced at the time of trial and he may involved vehicle in similar offences. Hence, the petition may be dismissed.

4. Heard, Records perused. On perusal of case records, seems that now the case property was under custody of respondent police. This vehicle was recovered on 10.05.2026 as per prosecution case. But so far confiscation proceeding not taken by the Respondent police. Further on perusal of registration of certificate copy furnished by petitioner reveals that he is the owner of the said vehicle. This kind of petition was allowed by Hon'ble High Court of Madurai bench in some revision petition. On inspiration of the above order and also Considering the facts and circumstances of the case this court follow the guidelines given by our apex court in Sundarbai Ambalal Desai Vs State of Gujarat and reason stated in the petition this court is inclined to grant interim custody of the property to the petitioner on the following conditions:-

- (i) The Respondent Police is direct to produce the petition property before this court within a week.
- (ii) On production of the property, the petitioner shall execute a bond for sum of Rs.5,00,000/- (Rupees Five lakhs only) with two sureties each for a like sum to the satisfaction of this court.
- (iii) The petitioner shall produce the Original RC Book of the vehicle before this court.
- (iv) The petitioner shall produce the vehicle before this court as and when required.
- (v) The petitioner shall produce three angled photographs of the vehicle, compact disk, along with 63 BSA certificate required by law.
- (vi) That the Panchanama shall be prepared as per Judicial form No. 82 of Criminal Rules of Practice, 2019.

Accordingly this petition is allowed.

Dictated to the steno typist typed by her corrected and pronounced by me in open court this the 05th day of June 2026.

Judicial Magistrate,
Valliyoor.