

IN THE COURT OF JUDICIAL MAGISTRATE, NANGUNERI
Present : Thiru.R.Boominathan, B.Sc, B.L.,
Judicial Magistrate, Nanguneri
Monday the 09th day of March 2026
CrMP No. 240/2026 in Cr. No.401/2025
CNR No.TNTL20-001392-2026

Ayyapillai,
S/o.Ganesan.

....Petitioner/Owner/Accused

/Vs./

The Inspector of Police,
Moondradaippu P.S.

.....Respondent/Complainant

This petition was filed by Thiru.S. Joseph Selvindurai, B.A., L.L.B., Advocate coming on this day for hearing before me, on hearing both the sides and upon perusing the entire materials on record this court delivers the following...

ORDER.

Reply Received:-

1. Heard both sides.
2. Petitioner has come forward with the present petition seeking return of property remanded in P.R.No.79/2026 Atul Auto bearing Registration No. TN 72 DW 8202 (Chassis No. MCGAGA3DJK2543241, Engine No. A5J1932132) concerned in Moondradaippu P.S.
3. The learned Counsel for the petitioners contended that, petitioner is the owner of the Atul Auto bearing Registration No. TN 72 DW 8202 which is now in the custody of respondent police. Above vehicle is kept in open space. If the vehicle remain kept in the open space, vehicle will be destroyed. Hence prays to return the vehicle to the petitioners herein.
4. Prosecution has objection to hand over the property to the petitioner. The objection is that the petitioner could sell the property on interim custody. Thus this petition may not be allowed.
5. Considering the fact that the petitioner is the owner of the property and has filed affidavit. The fact and this court is of the view that keeping the property in court custody will make it unfit for future use as held by the Hon'ble apex court in

Sundar Bhai Ambalal Desai Vs state of Gujarat (AIR2003SC638). Hence this court is inclined to allow this petition on condition that,

1. The petitioner/owner shall produced the 3 dimension photo copy of the property and produce **Original RC Book before this court.**
2. The petitioner/owner of the property shall not sell, alter or make any damages or cause any encumbrance over the property. The petitioner/owner is directed to furnish undertaking to the above said fact.
3. The petitioner/owner shall execute value of the property and furnish **one surety** for like sum.
4. The 3 dimension photo copy of the vehicle shall be produced and panchanama must be prepared which is to be attested by investigation officer, petitioners and the counsel.
5. The petitioner shall produce the property as and when required.
6. The petitioner shall not commit any similar offence.

Pronounced by me in the Open Court this the 09th day of March 2026.

Judicial Magistrate,
Nanguneri.