

THE COURT OF THE JUDICIAL MAGISTRATE,

MANAPPARAI

Present: Thiru. R. Ashokumar B.Com.,B.L.,

Judicial Magistrate, Manapparai,

Monday, the 13th day of July 2026

Cr.M.P.No.878/2026

.....

Ragupathy,

S/o. Mariraj

...Petitioner/ Owner of the Vehicle

/Vs/

State rep. by its Inspector of Police

Vaiyampatty P.S.

Cr.No.112/2026

U/s.331(4), 305 of BNS Act.

... Respondent/Complainant

This Petition coming on this day for final hearing before this Court in the presence of Thiru. M. Rajendiran Learned Counsel for the Petitioner and the Learned Assistant Public Prosecutor, representing for State, upon perusing the petition and upon hearing both side arguments, this Court pronounced the following:

ORDER

The Petitioner is the Accused in Crime No.112/2026 pertaining to Vaiyampatty Police Station for the alleged offences U/s.331(4), 305 of BNS Act.

This Petition is filed on behalf of the Petitioner u/s 497 and 503 of BNSS seeking for return of property on interim custody to the Petitioner. The property is **1. Dell Laptop-1, 2. TVS NTORQ Two Wheeler-1, 3. OPPO Cell-1, 4. Redme Cell -1, 5. പണം Rs. 20,000/ -** and the same was seized by the Respondent Police on **18.03.2026** in Crime No.112/2026 pertaining to Vaiyampatty Police Station.

1. CONTENTIONS OF THE PETITIONER IN BRIEF :

a) Learned Counsel for the Petitioner argued that Petitioner/Accused is the owner of the **1. Dell Laptop-1, 2. TVS NTORQ Two Wheeler-1, 3. OPPO Cell-1, 4. Redme Cell -1, 5. പണം Rs. 20,000/ -** which was seized by the Respondent Police in aforesaid Crime Number.

b) Learned Counsel further argued that the Petitioner Accused is the owner of the vehicle and that the RC Book stands in the name of the Petitioner. He also submitted that the two wheeler has been exposed to sun and rain and kept without any maintenance. Learned Counsel finally submitted that the Petitioner/Accused is ready to comply with any condition imposed by this Court. Hence, he prayed for interim custody of the vehicle.

2. OBJECTIONS OF THE RESPONDENT POLICE & LEARNED ASSISTANT PUBLIC PROSECUTOR

a) On the other hand, the Learned Assistant Public Prosecutor strongly objected for the return of **1. Dell Laptop-1, 2. TVS NTORQ Two Wheeler-1, 3. OPPO Cell-1, 4. Redme Cell -1, 5. പണം Rs. 20,000/** - to the Petitioner. Notice was sent to learned Assistant Public Prosecutor and the Respondent Police. Reply received from the Respondent Police stating that the aforesaid vehicle was used by the commission of crime and for concealing the alleged contraband committing the aforesaid crime.

b) Learned Assistant Public Prosecutor strongly objected for return of the vehicle stating that the Petitioner is the Accused and that he has committed the offence using the aforesaid vehicle. Learned Assistant Public Prosecutor further submitted that if the said vehicle is handed over to the Petitioner/Accused, then the Petitioner would transfer and sell the two wheeler to third parties. Learned Assistant Public Prosecutor strongly objected for return of the aforesaid vehicle to the Petitioner/Accused stating that it would cause prejudice to the trial Proceedings.

3. ANALYSIS AND DISCUSSION :

Records perused. Heard both sides.

1) Upon perusal of records and submissions, it is seen that the Petitioner is the Owner of the vehicle. The Prosecution has also not disputed the factum of ownership of vehicle by the Petitioner.

2) Learned Assistant Public Prosecutor has objected for the grant of vehicle on the ground that the Petitioner is an accused and he has committed an offence using that vehicle. But, it is a well settled principle by the Hon'ble Supreme Court that it would be fit and proper to deal with applications seeking return of vehicles without being clouded with the vision of the claimant being an accused. Thus, the objection raised by the Assistant Public Prosecutor does not hold water in light of the decisions of the Supreme Court in **Sunderbhai Ambalal Desai v State of Gujarat 2003(1)CTC 175** and **General Insurance Council and others v State of Andhra Pradesh and others (2010) 6 SCC 768**.

3) Upon perusing connected case records, it is seen that the **1. Dell Laptop-1, 2. TVS NTORQ Two Wheeler-1, 3. OPPO Cell-1, 4. Redme Cell -1, 5. பணம் Rs. 20,000/-** has been lying stagnant in the respondent Police station for more than **Four months**. It is matter of common knowledge that even a good maintained vehicle would lose its road worthiness if kept stationary in police station for more than fifteen days. But the vehicle has been kept in a stationary position in the Respondent Police station for more than **Four months**

4) Also, the vehicle is being kept in open without any maintenance. In such situations, the vehicle would be prone to fast natural decay on account of weather conditions. The vehicle if kept further unattended would become junk altogether. It is a well settled principle that the properties involved in a criminal case has to be prevented from becoming a waste or junk.

5) It is of no use to keep the aforesaid seized vehicle at the respondent Police station for such long period. The Vehicle would become unworthy of

being driven on road and no practical purpose would be served in keeping such vehicle.

4. RESULT :

Hence for the above stated reasons and circumstances this Court feels that that it is fit to return the vehicle to the Petitioner for interim safe custody.

5. CONDITIONS:

Hence, the Court orders the return of **1. Dell Laptop-1, 2. TVS NTORQ Two Wheeler-1, 3. OPPO Cell-1, 4. Redme Cell -1, 5. പഞ്ചനാമം Rs. 20,000/-** for interim custody to the Petitioner subject to the following conditions:

- i) The Petitioner shall execute an own bond for a sum of ₹1,50,000/- along with two sureties each for a like sum to the satisfaction of this Court.
- ii) The Petitioner shall surrender the original RC book of the **TVS NTORQ Two Wheeler-1** before this Court. The Petitioner can get back the RC Book in case of renewal, if any for the purpose of registration or for insuring the vehicle.
- iii) The Petitioner is directed to take four side photographs of his vehicle and shall produce it before the Court.
- iv) A Panchanama for the Vehicle be prepared and the same be recorded.

- v) The Petitioner shall furnish an affidavit of undertaking to the effect that he will cause production of the vehicle in question before this Court on the first working day of every month and further, he shall not alienate the property in any manner till the disposal of the case.
- vi) The Petitioner shall not alter the character and nature of the vehicle except by carrying out necessary repairs to make the vehicle road worthy.

This order has been dictated by me to the Steno Typist, corrected and pronounced by me in the open court on this 13th day of July 2026.

Judicial Magistrate
Manapparai.