

IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE AT PALLIPATTU

Present: Thiru. K.VENKATESAN, B.A., B.L.,

(J.O. Code – TN02266)

District Munsif Cum Judicial Magistrate, Pallipattu(FAC)

Tuesday, this the 07<sup>th</sup> day of July – 2026

Crl.M.P.No. 127 of 2026

In

Crime.No. 122 of 2026

(On the file of D4 R.K.Pet Police Station, Tiruvallur District)

(CNR.No. TNTR18-000360-2026)

V.Raja, Male / Aged – 54 years,  
S/o. Venkadachalam  
No.26/1, Mettu Street,  
Sethuvaragapuram Village,  
Rangapuram, Veeramangalam Post,  
R.K.Pet Taluk, Tiruvallur District.

.....Petitioner/Owner of Vehicle

-Vs-

State represented by,  
The Sub-Inspector of Police,  
D4 R.K.Pet Police Station,  
(Crime No. 122 of 2026)  
P.I.No.48/2026

.....Respondent/Complainant

Counsels for Petitioner :- Thiru. N.G.Thamizhselvan

Counsel for State :- The Assistant Public Prosecutor Grade – I

**ORDER**

1. This Petition is filed under Section 497 & 503 of BNSS, 2023 seeking for return of property namely **Tipper Lorry** bearing Registration No. **TN 28 AD 6671**, for interim custody.
2. The Learned Counsel for the Petitioner contended that the Petitioner has been implicated as Accused in this case for the alleged Offences under Section 303(2) of BNS r/w Sec.21(1) of MMDR Act, and his vehicle **Tipper Lorry** bearing Registration No. **TN 28 AD 6671** having **Chassis No. PFE606383** and **Engine No. YPH469988**, also was taken and falsely implicated, and he & his vehicle also have no way connected with the above case. The Petitioner is the absolute owner of the said vehicle which is in the custody of the Respondent Police, and the said vehicle is the sole source of his livelihood & his family, and without vehicle, he is affected very much for maintenance of his family. The Petitioner undertakes that he will produce the vehicle whenever required by this Hon'ble Court, without changing its identification or nature during pendency of trial, and also assured that he will never enter into any agreement or alienation such as Sale, Mortgage, and he is ready to abide any conditions if this Court is imposed on him in this regard. If the property is not

returned to him, he will be put to irreparable loss and hardship and prayed for return of his vehicle for interim custody till the disposal of the case, by allowing this petition.

3. This Court has received the above mentioned case property today on 16.06.2026 and assigned numbered as P.I.No.48/2026.

4. **Objections by the Respondent Police:-**

Notice was issued to both the Respondent Police as well as the Prosecution. The Respondent Police has submitted reply wherein they objected this instant petition on the ground that, if the case property is returned to the Petitioner, he may commit similar offence by using the vehicle and there is a possibility to sold the vehicle. The Learned Assistant Public Prosecutor filed his reply objecting the instant petition on the same ground as mentioned by Respondent police and he strongly opposed to allow this petition.

5. **Point for Consideration:-**

(a) Whether the petition is entitled to be allowed or not?

6. **Answering to the Point:-**

Both sides heard. Records perused. It is seen that a case has been registered by the Respondent Police in Crime No.122/2026 for Offences punishable under Sections 303(2) of BNS r/w Sec.21(1) of MMDR Act, and the Petitioner is cited as the sole Accused. It is also evident from the photocopy of the Certificate of Registration that the Petitioner is the Owner of the vehicle namely **Tipper Lorry** bearing Registration No. **TN 28 AD 6671** having **Chassis No. PFE606383** and **Engine No. YPH469988**.

With regard to return of vehicle, our **Hon'ble Supreme Court of India** rendered Judgment in **Sunderbhai Ambala Desai Vs. State of Gujarat** reported in **CDJ 2003 SC 61** has categorically held that mere keeping the vehicles in the custody of Police or Court will reduce the utility of the same and there is no use in keeping the seized vehicles in Police Stations for long period, and it is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time.

As far as the vehicle involved in connection with Offence under MMDR Act, our **Hon'ble Madras High Court** in the case of **Annadurai Vs. The Inspector of Police, Kurisilapet Police Station, Tirupathur District** in Crl.O.P.Nos. 646 of 2024 etc., batch decided on 29.01.2024, wherein had held that it is the Magistrate who is empowered to take cognizance. Further, Section 21(4A) of the Mines Minerals (Development & Regulation) Act, 1957 makes it clear that the Court competent to take cognizance, can take action for confiscation proceedings. In the light of the decision of our Hon'ble High Court, this Court is of the view that it is the Magistrate, who is empowered to take cognizance of the offence under the MMDR Act and consequently, is empowered to initiate confiscating proceedings, as per Section 21(4A) of the MMDR Act.

7. In the light of above cited judgments of our Hon'ble Apex Court & High Court, and considering that the Petitioner is being the owner of the vehicle which is not disputed by the Learned APP & the Respondent Police, and there is no confiscation proceeding is pending in this case, this Court is inclined to return the vehicle namely **Tipper Lorry** bearing Registration No. **TN 28 AD 6671** having **Chassis No. PFE606383** and **Engine No. YPH469988** to the Petitioner for interim custody till the disposal of the case on following conditions:

- a) That the Petitioner shall execute a bond for sum of Rs.10,00,000/- with two sureties each for the like sum. The said Sureties shall be a Owner of Immovable property worth more than Rs.10,00,000/-, and they shall furnish necessary documents.
- b) The Petitioner shall surrender the Original Registration Certificate of the vehicle is issued by Transport Department, before this Court.
- c) The Petitioner shall take Photographs of the Vehicle in all dimensions and counter signs the Photographs by Petitioner & I.O, and produce the said Photographs along with CD before the Court and file certificate under section 63(2) of Bharatiya Sakshiya Adhiniyam, 2023.
- d) Thereafter, the Head Clerk of this Court is hereby directed to prepare Proper Panchanama in Judicial Form No.82 of Criminal Rules of Practice, 2019.
- e) The Petitioner has to keep the Vehicle as it is and he is not to sell or encumber or alter/change the nature of the Vehicle and keep the vehicle in good condition, till the disposal of the case.
- f) The Petitioner shall file an separate undertaking affidavit before this Court that he will produce the said Vehicle before this Court as and when required and he will not use the vehicle in any other crime.
- g) It is ordered to inform this Order to concerned Motor Vehicle Registering Authority.

Accordingly, this point is answered in favour of Petitioner.

8. **Result:-**

In fine, in the interest of justice, this petition is allowed with the above conditions.

-// This Order is directly dictated to the Typist, who typed the same in the Open Court computer, verified, corrected and delivered by me, in the Open Court on this the Tuesday, the 7<sup>th</sup> day of July 2026.-//

**Sd/- K.Venkatesan**  
**District Munsif Cum Judicial Magistrate,**  
**Pallipattu(FAC)**