

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II, PONNERI.

Present: Tmt.S.Manjula, M.L.,

Judicial Magistrate No.II, Ponneri.

Dated 22nd day of June 2026.

Crl.M.P No.941/2026

Mr.Kannan,
S/o.Chandaran,
No.3/14, Srsk Street,
Orakkadu, Kiruthalapuram,
Ponneri Taluk,
Tiruvallur District.

.... Petitioner / Owner of the property.

//Versus//

The Inspector of police,
E5 Sholavaram Police Station,
Cr.No.273/2026

....Respondent / Complainant.

This petition coming on this day before me in the presence of Mr.V.Thirumalai Advocate for petitioner and the learned A.P.P. for prosecution and upon hearing the arguments on both sides this court passed the following :-

ORDER

This petition filed by the petitioner U/s.497 and 503 of BNSS to return the Vehicle on Interim Custody.

1. The petitioner claims to be the owner of the Vehicle bearing Registration No.TN-21-AW-5694 (Tata Tipper Lorry) Engine No.697TC56CRZ113263 Chassis No.373135CRZ109840 which was recovered by the respondent police in Cr.No.273/2026, U/s.303(2), 326(b) BNS r/w 21(1) Mines & Minerals (Development & Regulation) Act 1957. As per the petitioner, the alleged vehicle is in respondent police station for the above offence, The above said vehicle was used by the Petitioner for his own purpose. He further contends that the petitioner is the owner of the property, without the vehicle, the petitioner is unable to meet out his day to day affairs. If the vehicle kept idle, the parts will get damaged and value will be diminished. Hence the vehicle may be return to petitioner as interim custody, the

petitioner undertakes to produce the property before the court whenever he was ordered to do so. Hence prays to allow this petition.

2. Per contra, the learned APP and Respondent Police objected to return the vehicle stating that the case property is very important to mark as a material object at the time of trial and there are possibilities to change the physical features of the vehicle. Hence opposed to return the vehicle.

3. Heard both sides. Records perused. On perusal of available records produced herein it is undisputed fact that the property belongs to the Petitioner. Considering the facts and circumstances of the case and also the dictum laid down by the Hon'ble Supreme Court of India in Sundarbai Ambalal's Case,(2013(1) MLJ (CrL.)101) that the value of the property will diminish, if it is kept in sunlight and in open place, this court inclines to grant interim custody of the case property to the petitioner on conditions that,

i)	The Petitioner Should deposit sum of Rs.5,000/- in Criminal Court Deposit of the Cr.No.273/2026 of E5 Sholavaram P.S.
ii)	The petitioner should execute a document value sum of Rs.2,00,000/- with one surety satisfaction of this court.
iii)	The property is ordered to be returned to the Petitioner as interim custody after executing the Panchanama.
iv)	The Petitioner shall execute a bond to assure the future production of property in Court and to produce RC book original for scrutinizing.
v)	The Head Ministerial officer of this court is directed to send a intimation to the concerned police to release the vehicle and also intimate to the concerned RTO, not to transfer the ownership of the vehicle to any other person till the disposal of this case.
vi)	The petitioner shall produce a photograph along with CD of the vehicle and also the certificate U/s 65 B of the Indian Evidence Act.
vii)	The interim custody of the vehicle shall be subject to final orders.

Accordingly this petition is allowed.

Pronounced by me in the open court on 22nd day of June 2026.

/Sd.Manula/
Judicial Magistrate No.II,
Ponneri.