

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
GUMMIDIPOONDI**

**PRESENT: Thiru.R.Senthilkumar, M.A., B.L.,
District Munsif cum Judicial Magistrate, Gummidipoondi
CrI.M.P.No.101/2026**

**IN
Cr.No.201/2025**

Dated this the 13th day of March, 2026

T.Munusamy

... Petitioner

/Vs/

The State of Tamil Nadu
Represented by the
Inspector of Police,
Arambakkam P.S.,
(Crime No:201/2025)
(U/s. 303(2), 326(a) of BNS)

... Respondent

This petition coming today for hearing before me in the presence of Learned counsel M/s. M.Jadarayan appearing for the petitioner and the Additional Public Prosecutor I appearing for the respondent and having heard both side arguments and after perusing all material documents on record, this court is inclined to deliver the following :

ORDER

This Petition dated 24.02.2026 was filed by the Petitioner U/s.497, 503 BNSS for return of valuable property in connection with Cr.No.201/2025 on the file of respondent police for interim custody of such property to the petitioner.

Notice given to respondent and reply received.

1. Brief averments of the affidavit filed by the Petitioner is as follows:

The petitioner is owner of Tractor with Trailer bearing Registration No. AP 39 UX 2450, Engine No. S3251N94214 Chassis No. MEA8CCA1BR1459156. The vehicle never involved in any of the offense, however the respondent police has seized the above mentioned vehicle and kept the same at police station in open place without any protection to the vehicles. If it continuous, the vehicle would be damaged. Hence he prayed to return his seized vehicle. Hence, the petition.

2. Brief averment of the counter filed by Respondent is as follows;

The investigation is still pending. The vehicle was involved in illegal sand theft, therefore a case has been registered in crime No. 201/2025 for the offenses punishable U/s. 303(2), 326(a) of BNS. There is a possibility to commit the similar offence by using said vehicle, if it returned to the petitioner and if he does so, it is very difficult for the prosecution to conduct the trial effectively. He further submitted that he had taken steps for confiscate the vehicle, hence, he strongly objected to handover the vehicle and prayed to dismiss the petition.

3. POINT FOR DETERMINATION:

Whether the petition is to be allowed or not?

4. REASON:

Both side heard. Record perused. This petition is filed for interim custody of property viz., Tractor with Trailer bearing Registration No. AP 39 UX 2450. On perusal of records it is seen that during regular vehicle checkup the respondent police

found that the the petitioner had transported sand illegally through the vehicle without obtained any valid permit, based on which the respondent police registered a case in Crime No.201/2025, U/s. 303(2), 326(a) of BNS. The respondent police has submitted that during the investigation the petition mentioned property was recovered and the same is under the custody of police station.

At this juncture this court is of the opinion to refer the Hon'ble Apex Court Judgement in **Sunderbhai Ambalal Desai /vs/ State of Gujarat , AIR – 2003 SC 638 .**

Para 11 – “ *With regard to valuable articles, such as, golden or silver ornaments of articles studded with precious stones, it is submitted that it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted, In such cases, the Magistrate should pass appropriate orders as contemplated under Section 451 CrPC at the earliest*”.

This Court considers both side arguments and the facts and circumstances of the case and after applying the aforesaid Hon'ble apex court Judgment, this court is of the considered opinion that the petitioner has proved that he is owner of the petition mentioned property and the respondent police has also not disputed the ownership of the property. Being the situation, if the property is kept remain unused, the owner of the vehicle would suffer irreparable loss. Also the property which is the subject matter of an offence is seized by the police, ought not to be retained in the custody of the court or of the police for any time longer than what is absolutely necessary. Considering the same and in the interest of justice this court is inclined to return the

vehicle viz., Tractor with Trailer bearing Registration No. AP 39 UX 2450 in connection with Cr.No.201/2025 to the petitioner herein for interim custody.

Conditions:

- 1.The respondent police is directed to produce the property within 7 days from today, on such production, the Head Ministerial Officer is directed to assign Property Number to the property forthwith.
2. The Petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the satisfaction of this Court with two sureties like the said sum.
3. The petitioner is directed to produce valid insurance for the vehicle.
- 4.The petitioner shall not alter or encumber the vehicle until further orders,
- 5.The petitioner shall take photographs of the Tractor with Trailer bearing Registration No.AP 39 UX 2450 , and produce the same into the Court along with a compact disc with certificate U/s.63 BSA.
6. The petitioner shall produce the vehicle before the Court as and when required.
- 7.The Property is ordered to be returned to the petitioner as interim custody after executing the Panchanama.

This order was dictated by me to the Steno -typist, typed by her and corrected by me and pronounced by me in the open court on this the 13th day of March, 2026.

Given under my seal and hand.

District Munsif cum Judicial Magistrate,
Gummidipoondi