

**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.103/2026**

IN

Cr.No.168/2025

Dated this the 11th day of March, 2026

Sriman Narayanan

... Petitioner

/Vs/

The State of Tamil Nadu
Represented by
The Inspector of Police,
F5 - Pathirivedu Police Station,
Thiruvallur District
(Crime No: 168/2025)
(U/s. 123, 274, 275 BNS, 24(1) COTPA 2003)

... Respondent

This petition coming on this day for final disposal in the presence of Learned counsel M/s. R.Velu, B.Gomathi & J.Sylvester 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 U/s. 497 & 503 of BNSS for returning the case property in connection with Cr.No.168/2025 on the file of respondent police for interim custody to the petitioner.

Notice given to respondent and reply received.

Point for consideration:

Whether the petition is to be allowed or not?

Heard both sides. Records Perused. This petition has been filed by the petitioner for interim custody of the property namely “VENTO 1 2 TSI” Motor Car bearing Registration No. TN 05 BL 1770 Engine No. CBZK31430 and Chassis No. MEXE17602HT133332 which was recovered in connection with Cr.No.168/2025 on the file of respondent police.

The petitioner stated that he is owner of the vehicle which was seized by the respondent police in connection with false case. He further stated that the property is very much essential for his day by day work and he also submitted that if the valuable property is kept in Open place without taking proper measures and protection, it would get ruined and it may cause an irreparable loss to him. Also the petitioner undertakes that he will not alter the Vehicle and he would abide by all the conditions imposed by the court. Hence prayed for interim custody of the aforementioned property.

The respondent police filed a reply stating that the petitioner had transported Contra band of Hons and Cool-lip through his car. The petitioner owner of the property, but, if the property is handed over to the petitioner, it would be sold by the petitioner and also stated that since the investigation is still pending the property should not be returned. Hence, the respondent has objections for giving interim custody of the property.

At this juncture this court is of the opinion to refer the Hon’ble Apex Court Judgment made in **Sunderbhai Ambalal Desai /vs/ State of Gujarat reported in 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”.

Therefore, after considering both side arguments and the facts and circumstances of this case and after applying the aforesaid Hon’ble apex court Judgment, this court is of the considered opinion that, the petitioner has proved is ownership by producing necessary document and the same was not disputed by the respondent police. Being the situation, the owner of the property would suffer, if the valuable property is kept in open place remaining unused. Also the property which is the subject matter of an offence 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., ‘ VENTO 1 2 TSI’ bearing Registration No. TN 05 BL 1770 in connection with Cr.No.168/2025 to the petitioner herein for interim custody with the following....

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 own bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the satisfaction of this Court with Two Sureties like the said sum,

3. The petitioner shall not alter or encumber the vehicle until further orders,
4. The petitioner shall take photographs of the vehicle bearing Registration No. TN 05 BL 1770 and produce the same into the Court along with a compact disc with certificate U/s.63 BSA.
5. The petitioner shall produce the vehicle before the Court as and when required.
6. 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 11th day of March, 2026.

Given under my seal and hand.

District Munsif cum Judicial Magistrate,
Gummidipoondi