



1

IN THE COURT OF THE JUDICIAL MAGISTRATE, SHENCOTTAH

Present: Tr.S.Ilayaraja, M.L.,

Judicial Magistrate, Shencottah

7th day of July 2026

Cr.M.P. No.488 of 2026

CNR.No.TNTS120014422026

Vaitheeswari (Age 30/2026)

W/o.Sakthivel,

15/11, CSI Main street,

Alangulam.

...Petitioner/Owner of the property

Versus

State through Inspector of Police,

Puliyarai Police Station,

Cr.No.210/2026,

U/s. 6(b), 24(1) COTPA Act

... Respondent/complainant

ORDER

This petition has been filed under Sections 497 and 503 BNSS seeking interim custody of the vehicle bearing Registration No. **TN 76 BA 5955, Ashok Leyland Dost+ RLS**, seized in Crime No.210 of 2026 for the offences punishable under Section 6(b) read with Section 24(1) of the **COTPA**.

Learned counsel for the petitioner submitted that the petitioner is a third party to the above case and is not an accused. The petitioner is residing at Alangulam and the Registration Certificate (R.C.) of the vehicle stands in her name. It is further submitted that the petitioner requires the said vehicle for her day-to-day use and livelihood. If the vehicle is not returned, she would be put to irreparable loss and hardship. The petitioner is willing to furnish adequate sureties and undertakes to produce the vehicle before the Court as and when required. Hence, it is prayed that the vehicle may be entrusted to the petitioner on interim custody.



The respondent opposed the petition by filing objections, contending that if the case property is returned to the petitioner, there is every likelihood that the vehicle may again be used for similar illegal activities. It is further contended that the petitioner may sell, alter, or otherwise dispose of the vehicle, thereby causing prejudice to the prosecution and adversely affecting the trial. Therefore, the respondent prayed for dismissal of the petition.

This Court has carefully perused the records and considered the submissions made by both sides. It is an admitted fact that Crime No.210 of 2026 has been registered against the accused and that the vehicle bearing Registration No. **TN 76 BA 5955, Ashok Leyland Dost+ RLS**, was seized from the accused at the place of occurrence. It is also evident that the petitioner is not an accused in the present crime and that the Registration Certificate of the vehicle stands in her name. Although the respondent has raised an objection that the vehicle may again be used for similar criminal activities if released, no material has been placed before this Court to establish the direct involvement of the petitioner in the commission of the alleged offence.

In this connection, the Hon'ble Supreme Court, in **Sunderbhai Ambalal Desai v. State of Gujarat** [(2003) SCC (Cri) 1440], has held that preparation of a seizure mahazar, along with photographs or videography of the seized property, is sufficient to establish the factum of seizure and that valuable vehicles should not be kept idle in police custody for an unduly long period.

The petitioner has also undertaken to produce the vehicle before the Court as and when required during the course of investigation or trial.

Therefore, considering the facts and circumstances of the case, this Court is of the view that retaining the vehicle bearing Registration No. **TN 76 BA 5955, Ashok Leyland Dost+ RLS**, in the custody of the respondent police without being put to use would serve no useful purpose. In view of the law laid down by the Hon'ble Supreme Court in the aforesaid decision, the petitioner is entitled to interim custody of the vehicle.

However, on perusal of the records, it is found that the case property has not yet been produced and remanded before this Court. Hence, the respondent police are directed to produce the case property, namely the vehicle bearing Registration No. **TN 76 BA 5955, Ashok Leyland Dost+ RLS**, before this Court. Upon such production, interim custody of the said vehicle shall be handed over to the petitioner, subject to the following conditions:



- (i) The petitioner shall produce necessary document to respondent police to establish ownership of the vehicle in question.
- (ii). The petitioner is directed to take Photograph of the property and submit to the court. Head clerk of this court is directed to prepare proper Athatchi for the property so as to marking the same at the time of trial, in the presence of the petitioner and the respondent.
- (iii) The petitioner shall not alter or modify or sale the property till the disposal of the case and produce the property whenever this court order to produce before this court to that effect he shall execute bond for Rs.50,000/- with two surety each for the like sum to the satisfaction of this court and surrender the original RC Book in to the court till the disposal of the case.

Dictated by me to Steno - typist directly and typed by him corrected and pronounced by me on 07.07.2026.

Judicial Magistrate,
Shencottah.