

IN THE COURT OF JUDICIAL MAGISTRATE NO. II, TIRUPATTUR,
TIRUPATTUR DISTRICT

Present:- Thiru. S. Kovendhan B.A., LL.B., (Hons)
Judicial Magistrate No.II, Tirupathur

Friday, this the 17th day of April - 2026

CrI.MP. No. 458/2026

in

Cr. No. 245/2025

Sivan, S/o.Chinnasamy

..... Petitioner

-Vs-

The Sub-Inspector of Police,
Kandili Police Station,
Tirupathur.

Crime No.245/2025

U/s. 305(2), 326(a) of BNS Act.

.....Respondent

The Petition has been taken on file on 23.01.2026 and came up for final hearing before me today in the presence of the Learned counsel Mr.Lr.K.N.Saravanan appearing for the Petitioner and the learned APP.Gr.II appearing for the Respondent and after hearing both sides and on perusal of records and having stood over for my consideration till this day, this court delivered the following,

ORDER

This petition is filed by the Petitioner under section 503 and 497 of BNSS directing the respondent police to produce the case property before court and to return the case property to him and thus render justice.

1. BRIEF AVERNMENTS IN THE PETITION

a) This petition was filed by the petitioner stating that on 08.09.2025 this petitioner's vehicle namely Earth Moving Equipment, Backhole Loader bearing Registration No.TN 29 BW 6723, Engine No: 4H32011720721, Chasis No: IMOP04174554, involved in above offence and that the respondent police had registered a case in crime no.245/2025 U/s. 305(2), 326(a) of BNS Act and has seized the above said vehicle for illegal mining of soil and has kept in police station due to which there are possibility of vehicle being damaged due to rain and shain. So he prays to return the above said vehicle undertaking that he will not sell, change its nature and will not involve in similar offence.

b) Respondent police had given reply that if the property is returned there are possibilities of he will transform it and sell it, or mortgage it and involve in the similar kind of offence. So, strongly oppose this petition.

c) Reply received from the Learned APP has submitted reply that, the investigation of this case is pending and if the property is returned to the petitioner he will transform it and sell it, and he will mortgage it and he will not hand it over during the trial. So, strongly oppose this petition.

POINT FOR CONSIDERATION:

WHETHER THE CASE PROPERTY IS TO RETURNED TO THE PETITIONER AS INTERIM CUSTODY OR NOT?

Heard Both. Records perused. The above case property namely Earth Moving Equipment, Backhole Loader bearing Registration No.TN 29 BW 6723, Engine No: 4H32011720721, Chassis No: IMOP04174554, which is not produced before this court. Reply of the respondent Police and Learned APP object to return the case property to this petitioner. Further at the stage of enquiry the petitioner failed to produce the documents of the case property, eventhough direction was given to produce those documents. Hence, considering the stage of the case and nature of offence and serious objection made on the side of prosecution, so, the case property could not be handed over to the Petitioner. Hence, considering the nature of offence and stage, this court comes to the conclusion that it is not appropriate to return the case property to the petitioner, as he failed to produce the original documents connected to the case property. In the result, this court considers that this petition ought to be dismissed.

Accordingly, this petition is dismissed.

*Dictated to Steno typist and typed by
her and corrected by me and pronounced
by me on 17th day of April 2026.*

Judicial Magistrate No.II,
Tirupathur.