

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

Present:- Tr. S. Kovendhan, B.A., LL.B.,(Hons).,
Judicial Magistrate No.III(FAC),
Tirupattur.

Monday, this the 23th day of March 2026

CrI.MP. No. 736 of 2026

in

Cr.No. 323 of 2025

Aranganathan S/o. Munirathinam

... Petitioner

//Vs//

State by
The Sub - Inspector of Police,
Natrampalli Police Station
Cr. No. 323 of 2025

... Respondent

This Petition coming on this day before me for final hearing in the presence of Tr.A. Gnanamohan, M.Com.,LL.B., Advocate for petitioner and the learned APP for the prosecution and upon hearing the arguments on both sides this court passed the following:

ORDER

1. This criminal Miscellaneous Petition is filed under petition section 503 & 497 of BNSS, praying to pass an order to Ashok Leyland Tipper Lorry bearing Reg. No. TN 54 -A 3981 on interim custody till the disposal of the case in Cr. No. 323/2025 of Natrampalli Police Station.
2. The Learned Counsel for the petitioner submitted that the petitioner filed this petition for return his Ashok Leyland Tipper Lorry bearing Reg. No. TN 54 -A 3981 which is seized by the respondent police as case property in Cr. No. 323/2025 U/s.303(2),326(a) BNS r/w 21 (1) of MM Act. He further contented

that the petitioner is the owner of the property and On 07.02.2026, on false information, the Natrampalli Police officials took his vehicle to the Natrampalli police station from his house and a case was registered Crime no. 61/2026 under section 303(2),326(a) BNS r/w 21 (1) of MM Act for smuggling soil in his vehicle. Further submitted without the property, he is unable to meet out his day to day affairs, if the property is kept idle the parts will be damaged and the value of the property will be decreased as it is kept in open place, hence the property may be given to the petitioner as interim custody, the petitioner undertakes to produce the above property before the court whenever it is required to do so. Hence prays to allow this petition.

3. Per contra the Respondent Police filed reply stating that, investigation of the case is pending and he may commit similar kind of offence again and he may not produce before the court and investigation pending. Hence, strongly oppose this petition. The Learned APP file their reply stated that, If the vehicle returned to the petitioner, he will repeat the offence. And the petitioner may sell and mortgage the property and the same leads not able to mark the property as M.O of the case. Therefore, strongly oppose to return the property to the petitioner.
4. Point for consideration in this petition is that, whether this Crl.M.P is to be allowed as prayed for ?
5. Heard both side and perused the records. On perusal of the documents produced by the petitioner, it is found that petitioner is the registered owner of the petition mentioned vehicle. The petition mentioned vehicle was seized by the respondent police for the alleged offence u/s. 303(2),326(a) BNS r/w 21 (1) of MM Act. The vehicle is kept with respondent police in open space and its value will be depreciated if the vehicle is kept idle and exposed to sunlight and

rain. As per the respondent police, the petition mentioned vehicle was not involved in any similar offence prior to the instant case and no steps have been taken by the competent authority for filing private complaint u/s. 22 of Mines and Minerals (Development and Regulations) Act, 1947 and to initiate confiscation proceedings against the petition mentioned vehicle. The trial will take considerable time to complete and there is no useful purpose in keeping the vehicle at open space which would diminish its value. Therefore in view of the law laid down by our *Hon'ble Apex court in Sundabhai Ambalal Desai Vs. State of Gujarat (2002)10 SCC283*, this court is inclined to allow this petition on the conditions.

6. In the result this petition is allowed and the respondent police is directed to produce the case property before this court, in thereof the petitioner is entitled to interim custody of the case property subject to the following condition:-
 - i. The petitioner is directed to deposit a non-refundable amount of Rs. 40,000/- to District Mines and Minerals Foundation Trust by way of demand draft payable to the credit of the District Mines and Minerals Foundation Trust, Tirupattur.
 - ii. Upon producing the receipt of acknowledgment of deposit of such non-refundable deposit before the competent authority concerned, the petitioner shall execute a bond to the value of the vehicle for a sum of Rs. 5,00,000/- with two surety for a like sum.
 - iii. The petitioner shall file an affidavit of undertaking before this court stating that he will not use the vehicle for any illegal activities in future and shall produce the said vehicle as and when required by the Court.
 - iv. The petitioner shall not alter the nature and character of the vehicle. Further, the petitioner shall not encumber or alienate the said vehicle without prior permission of the court.

- v. The petitioner shall surrender the Original Registration Certificate before this court.
- vi. The petitioner is also directed to take photographs of the vehicle in all the angles at his own cost.
- vii. RC Book and photographs of the vehicle should be kept with case records.
- viii. The factum of custody of the RC Book in Cr. No.323/2025 of Natrampalli PS shall be intimated to the Concerned Regional Transport Authority.
- ix. The petitioner shall produce the vehicle as and when required during Trial, failing which, the respondent is at liberty to initiate surety action against the petitioner and the sureties.

*This order is directly dictated to Typist and typed by him in the Computer and corrections made over by me and pronounced in the open court on 23rd March 2026.
// True Copy//*

**(Sd/- S. Kovendhan)
Judicial Magistrate No.III(FAC),
Tirupathur.**