

**IN THE COURT OF JUDICIAL MAGISTRATE NO. I, TIRUPATTUR,
TIRUPATTUR DISTRICT**

Present:- Tr.K.S.Dinesh, B.A., B.L.,(Hons).,

Judicial Magistrate No.I, Tirupattur

Monday, this the 8th day of June 2026

Crl. M.P. No. 1515/2026

in

Cr. No. 141/2026

Manjula W/o.Kumaran

.....Petitioner

Vs

The Sub Inspector of Police,
Jolarpet Police Station,
Crime No.141/2026.

.....Respondent

This Petition coming on this day before me in the presence of Tr.D.N.Amudanandan 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 497 & 503 of BNSS, praying to pass an order to Produce Court and return JCB bearing Reg.No.AP16DP8972, Chassis No.HAR3DXSSA01894583 on interim custody till the disposal of the case in Cr. No.141/2026 of Jolarpet Police Station.
2. The Learned Counsel for the petitioner submitted that the petitioner filed this petition for return her JCB bearing Reg.No.AP16DP8972, Chassis No.HAR3DXSSA01894583 which was recovered by the respondent police as case property in Cr. No. 141/2026 U/s.303(2), 326(a) of BNS r/w.21(1) MM (DR) Act. He further contented that the petitioner is the owner of the property and further submitted without the property, 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 Police raised objection and stated that the vehicle should be produced whenever required for trial purpose and the petitioner again misuse the property for the offence.
4. Point for consideration in this petition is that, whether this CrI.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 of U/s.303(2), 326(a) of BNS r/w.21(1) MM (DR) 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. 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. 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 and on production, 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.15,000/- each vehicle to District Mines and Minerals Foundation Trust by way of

demand draft payable to the credit of the District Mines and Minerals Foundation Trust, Tirupathur.

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/- two sureties for a like sum.

iii) The petitioner shall file an affidavit with a specific undertaking that he shall not be involved in any illegal mining or any other offence, and the vehicles shall not be used in illegal mining or any other offence and that shall not alienate the vehicle and make an undertaking to produce the property whenever it is required by the court and also at the time of giving evidence.

iv). The return of case property vehicles as interim custody is subjected to confiscation proceedings in future.

v). The original documents of the case property vehicles must be surrender before this court.

vi) The petitioner shall produce the attested photo of the said case property along with C.D. and undertaking affidavit along with sec 63(B) certificate of B.S.A.

This order is directly dictated to Steno Typist and typed by her in the Computer and corrections made over by me and pronounced in the open court on 8th June 2026.

Judicial Magistrate No.I,
Tirupattur.

