

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

Present:- Tr. S. Kovendhan., B.A., L.L.B., (Hons).,
Judicial Magistrate No.II, Tirupattur

Monday this the 8th day of June - 2026

Crl.MP. No.1516/2026
in
Cr. No.157/2026

Shanmugam, S/o.Arumugam

..... Petitioner

-Vs-

The Sub-Inspector of Police,
Tirupathur Taluk Police Station,
Crime No.157/2026
U/s.21(1) MM DR Act.

.....Respondent

The Petition has been taken on file on 02.06.2026 and came up for final hearing before me today in the presence of the Learned counsel V.V.Shivaji B.A., B.L., 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,

1. BRIEF AVERNMENTS IN THE PETITION :

a) This petition was filed by the petitioner stating that on 08.04.2026 this petitioner's the above case said vehicle namely Mahindra Tractor, was seized by the respondent police for illegal mining of soil and had registered a case in crime no.157/2026, u/s.21(1) MM Act. The above said vehicle has kept in police station due to which there are possibility of vehicle being damaged due to rain and shain and that the above said vehicle so, he prays to return the case property undertaking that he will not sell, change its nature and will not involve in similar offence.

b) Respondent police had given reply that, the case property is required to be produced before this court for assignment of Case property number. If the case property is returned to this petitioner he may against be used for the similar kind of offence and the case property being sold or altered from its original condition. Hence strongly oppose this petition.

c) Reply received from the Learned APP has submitted reply that, if the case property is returned to the petitioner he may sold or mortgage it or altered from its original condition and the will not produce the case property during the court trial. So, strongly oppose this petition.

3. POINTS FOR CONSIDERATION:

WHETHER THE CASE PROPERTY AVERRED IN THE PETITION CAN BE HANDED OVER TO THE CUSTODY OF THE PETITIONER, IF SO, WHAT SHALL BE THE CONDITIONS IF ANY?

a) Heard Both. Records perused. At the stage of enquiry, this petitioner is the owner of the case property namely Mahindra Tractor bearing Reg.No.TN 55 V 7123. The case records were perused this petitioner is the owner of whose Mahindra Tractor bearing Reg.No.TN 55 V 7123, Engine No & Chassis No.EVCW1885, was involved in the offence. Repondent Police & Learned APP object to return the case property to this petitioner, but they did not denied the ownership of the petitioner. The above said vehicle which is not produced before this court. Further more the petitioner has furnished the original RC and Necessary T/O Form.

b) While that being so, when this petitioner is the owner of the property and when there is no objection denying the ownership of this petitioner, it is of no doubt that if the vehicle is left unused it will cause damages to the mechanical parts in it, which would certainly incur a loss to the petitioner. Moreover detaining the vehicle in the station also would result in causing damage and depreciation to the vehicle as observed by Our *Hon'ble Supreme Court in Sundar Bai Ambalal Desai Vs. State of Gujarat, reported in AIR 2003 SC.638.*

Hence, in order to avoid any damage to the property, this court finds it appropriate to return the case property Mahindra Tractor bearing Reg.No.TN 55 V 7123, Engine No & Chassis No.EVCW1885 involved in Tirupathur Taluk Police Station, Cr.No.157/2026 shall be given to the petitioner Shanmugam, S/o.Arumugam. In the result the petition is allowed and the respondent police is directed to produce the case property before this court and upon production, the petitioner is entitled to receive the interim custody of the same subject to fulfillment of the following conditions :-

- i) The petitioner is directed to deposit a non-refundable amount of Rs.30,000/- to District Mines and Minerals Foundation Trust by way of demand draft payable to the credit of the District Mines and Minerals Foundation Trust, Tirupathur.
- ii) Upon producing the receipt of acknowledgement 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 sureties for a like sum.
- iii) The Original R.C.book of the vehicle shall be produced before this court, if the RC book are required for official purposes, such as the renewal of the permit or obtaining a fitness certificate, the petitioner is permitted to file a petition seeking interim custody of the RC book for that purpose, Subsequently, the petitioner shall resubmit the RC book before this court, and it shall be kept by this court until further orders or the disposal of the case.
- iv) The petitioner shall file an affidavit with a specific undertaking that she 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.

v). The return of case property as interim custody is subject to confiscation proceedings on future.

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

*Dictated to Steno - typist and typed
by her and corrected by me and
pronounced by me on 08th day of June
-2026.*

**Judicial Magistrate No.II
Thirupathur.**