

IN THE COURT OF JUDICIAL MAGISTRATE, VANIYAMBADI

PRESENT: **Tmt.K.Sripathi, B.A., L.L.B.,**
Judicial Magistrate,
Vaniyambadi.

Tuesday 07th day of April 2026

CNR.No: TNTU09-000937-2026

CrI.M.P.No. 532/2026

C.P.No. 203 of 2026

Suresh S/o Subramani

....Petitioner

V/s

Sub-Inspector of Police

Vaniyambadi Taluk Police Station,

Tirupattur District.

Cr.No. 97/2026

U/s.6(a), 24(1) COPTA

...Respondent/Complainant

This Petition was taken on file on 27.03.2026 This petition is filed by the petitioner U/s. 497 and 503 of BNSS and coming on this day before me in the presence of Mr.R.Raji., B.A.B.L., Counsel for petitioner and the learned A.P.P. Gr-I for respondent and upon hearing the arguments on both sides this court passed the following :-

/ORDER/

INTERIM CUSTODY OF PROPERTY OF VEHICLE

1. Averments contains in the petition:

The counsel for the petitioner submits that the petitioner filed this petition for return of his vehicle Hero pleasure in bearing **Reg.No. TN83 MF 4548** Vehicle's Engine Number is JF16E1SGB00727 and Chasis Number is MBLJFW650SGB00539 Which was seized by the respondent police from the accused as case property in Cr.No. 97/2026. Further, he contented that the petitioner is the owner of the property. Without the vehicle the petitioner unable to meet out his day to day affairs, if the vehicle kept idle the parts will be damaged and value will be decreased, hence the

vehicle may be given to petitioner as interim custody, the petitioner undertakes to produce the property before the court whenever She ordered to do so. Hence, prays to allow this petition.

3. Averments contains in the reply of Respondent Police:

Respondent police taken notice and replies, if the vehicle is handed over to the petitioner/accused may again commit same kind of offences. Vehicle used to commit the offence. Hence, I strongly object to handing over the above two-wheeler to the petitioner/accused involved in the above case.

4. Averments contains in the reply of Additional Public Prosecutor:

The learned A.P.P. Gr-I has taken notice and replied that, As per IO's report, The case property involved in U/s.126(b), 296(b), 324(4), 351(2)BNS. This case property is very essential to prove the prosecution by Marking as M.O. Hence, According to the facts and circumstance this case, this Hon'ble Court may be pleased to order on merits in accordance with law.

4. Both side considered. The ownership of the property is not disputed by the respondent and the petitioner proved ownership over the property through R.C. Book. The vehicle is kept idle its parts will get damaged and its value may get depreciated. Further, retaining the vehicle in police custody till the disposal of the case surely add one to the junkyards in the Police Station. The case property, two wheeler Hero Splendor plus is produced by the respondent police before this court and number as C.P. No.200/2026. The title of the vehicle is proved by through R.C. Book. Therefore, this court inclined to return the property, in view of the law laid down by our Hon'ble Apex court in the citation reported Suderbhai Ambalal Desai Vs State of Gujarat AIR 2003 SC 638 and this court further considering that keeping the vehicle in Police or Court custody not serve any useful purpose.

5. Hence, in view of the discussion and reasons, supra as the ownership of the vehicle is not disputed and keeping the vehicle merely for marking with trial would surely make it a junkyard property. Therefore, this court is inclined to order the interim custody of the vehicle to the petitioner on the following conditions:-

- i) The petitioner shall execute sum of Rs.50,000/- each with two sureties.
- ii) The petitioner shall produce the case property when the court order without fail.
- iii) The photograph of the property taken on all its four sides and to be submitted with CD along with 65 B certificate.
- vi) The petitioner to be identified by the concerned counsel and the police.
- v) Panchanama should be prepared by the Head clerk.

In the result, **this petition is allowed.**

Dictated by me to the typist, directly typed by her in computer and corrected by me and pronounced in open court on this 07th day of April 2026.

(Sd./-) K.Sripathi.
Judicial Magistrate,
Vaniyambadi.

//TRUE COPY//

Judicial Magistrate,
Vaniyambadi.