

**IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KODAVASAL**

Present: THIRU. M. MOHAMED ARSHAD FAREED, B.B.A., LLB., (HONS)
District Munsif Cum Judicial Magistrate, kodavasal.
Friday, 05th day of June, 2026.

Cr.M.P. No. 91/2026

Mrs. Vijaya, aged 36/2026,
W/o. Raju.

.....

Petitioner

//Versus//

The State represented by,
Inspector of Police,
Kodavasal Police Station.
Cr.No.136/2026.

.....

Respondent / Complainant

For Petitioner : Petition filed by the party itself
For Respondent : Tr. S.Anandh, APP.

This petition coming up for final hearing today and after hearing the both sides and upon perusal of the records having stood over for consideration till this day, this court delivers the following...

ORDER

1. This is a petition filed by the petitioner under sections 497, 503 BNSS seeking return of property remanded in Crime Number 136 / 2026 on the file of Kodavasal Police Station.

2. The petitioner seeks custody of vehicle TVS ZEST MATTE BLUE Registration No. TN50AL5826 which has been seized by respondent police. The petitioner contends that she is the owner of said vehicle and the same was seized by the police in pursuance of offence punishable under section 4(1) (C) TNP Amendment Act and Transport Act and if the vehicle has been kept idle in respondent police station it would reduce its value and it is further submitted that the petitioner is ready to produce the copy of registration certificate of the vehicle and prays to pass an order to produce the case property in the court and if the vehicle was handed over to her, the petitioner is ready to abide any conditions and willing to produce sufficient sureties and prays to allow this petition.

3. The respondent police raised objection stating that the confiscation proceeding has been initiated against the alleged vehicle and that if the vehicle is returned to the petitioner she would commit similar offences and that he strongly objected to hand over the vehicle to its owner. The learned APP reiterated such facts and he strongly objected to hand over the vehicle.

4. It is pertinent to note that the respondent has raised an objection stating that confiscation

proceedings are to be initiated in respect of the vehicle in question. However, upon enquiry, it has been submitted by the prosecution that no notice has yet been issued to the owner of the vehicle regarding the said confiscation proceedings.

5. The *Hon'ble Madras High Court, in David vs. Shakthivel*, has held that due diligence must be exercised while ordering interim custody of a vehicle. In the present case, it is evident that no notice has been issued to the petitioner in connection with the proposed confiscation proceedings.

6. Further, it is evident that the respondent has not denied that the petitioner is the owner of vehicle. The copy of Registration Certificate of the vehicle filed by the petitioner reveals that the petitioner is the owner of the vehicle. Further taking into account of the fact that though the vehicle is said to be involved in offense, if it is not used for long time, it will get deteriorated and lose its value, and will not be useful for any one for any purpose.

7. In view of guidelines and principles laid down by *Honourable Apex court reported in 2003 SCC (cr1), 1443 [Sunderbhai Ambalal Desai vs state of Gujarat]*, the petitioner being the owner of the vehicle is the right person who can utilize the same. On perusal of records, this court is inclined to give custody of said vehicle to the petitioner and on preparation of Panchanama describing the identity of vehicle.

8. Hence, the interim custody of the vehicle is given to the petitioner on compliance of the following conditions.

- i The petitioner shall execute bond for Rs.70,000/- along with Two sureties for the like sum.
- ii The petitioner at his expense shall arrange the photographs of the said property in all sides in legible manner and produce the same in court.
- iii. The petitioner shall furnish Original RC book and Insurance Certificate of the vehicle.
- iv. The petitioner shall not alter the vehicle in any manner except necessary repairs work for routine use.
- v. The petitioner shall produce the vehicle before this Court on every first day of every calender month until further orders.

Dictated by me to Steno-Typist and typed by her and corrected and pronounced by me
on 05.06.2026

District Munsif cum Judicial Magistrate,
Kodavasal.