

IN THE COURT OF JUDICIAL MAGISTRATE NO.II, TINDIVANAM

PRESENT: Tmt. M. Abinaya B.A., B.L.,

Judicial Magistrate No.II, Tindivanam.

On Friday, this the 19th day of June 2026

Crl.M.P.No. 197 of 2026

in

Cr.No.21/2026

Kaviyarasan, age 26/2026,
S/o.Perumal.

...Petitioner/ Accused

//VS//

The Inspector of Police,
PEW-Kottakuppam Police station,
Cr.No.21/2026

...Respondent/Complainant

This petition coming on this day for final hearing, in the presence of Thiru. M.Balu, M.Com., B.L., Advocate for petitioner and Assistant public Prosecutor for state, after perusal of records, this court made the following orders:

ORDER

1. This petition has been filed by the Petitioner U/s.497 & 503 BNSS for seeking interim custody of his vehicle **Hero Splendor Plus Two Wheeler** Reg.No.TN-16-H-8806 which was seized by the respondent police in U/sec. 4(1)(C), 4(1)(A), 14A TNP Amendment Act 2024 of PEW-Kottakuppam Police Station.
2. The petitioner is an accused in the above crime number and claims to be the owner of the case property. Reply has been received from the police objecting to return the case property to the petitioner stating that if the case property is returned, the petitioner may modify the nature of the case property and will involve it in the same kind of offence and may sell it to third parties.
3. The petitioner's **Hero Splendor Plus Two Wheeler** with Reg.No. TN-16-H-8806 was seized by the respondent police and the petitioner has sought for return of the vehicle. The petitioner has produced the copy of Registration Certificate in his name. The vehicle has been in the custody of the police and produced before this court in **PR No.132/2026 dated 19.06.2026.**

4. Heard and records perused. In view of reply, the ownership of the vehicle is not denied and there is no averments made regarding the confiscation proceedings. There is no dispute in respect of ownership. Further in the guidelines laid down by the Hon'ble Supreme court in *Sunderbai Ambalal Desai Vs. State of Gujarat* AIR 2003 SC 638 in para 17, " In our view whatever be the situation it is of no use to keep such seized vehicle at the police stations for a long period. It is for the Magistrate he pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of property. This can be done pending hearing of applications for return of property." Further the value of the vehicle will be diminished if the vehicle was not used for a long time.
5. On considering all those facts and guidelines of above judgment and on being satisfied that the petitioner is the owner of the vehicle, this court is inclined to allow this petition on the following conditions.
- (i) The Petitioner shall execute a bond for a sum of Rs. 30,000/- and two sureties for the like sum to the satisfaction of this court.
 - (ii) The petitioner shall not alienate or alter the condition of the vehicle.
 - (iii) The Petitioner shall file an affidavit undertaking to produce the case property as and when required.
 - (iv) The petitioner shall co-operate with the investigation and confiscation proceedings if any.
 - (v) Panchanama shall be prepared before handing over the vehicle.
 - (vi) The Photo copy of the vehicle to be duly attested by the petitioner.
 - (vii) The Copy of the R.C.Book compared with the original duly attested by the petitioner to be furnished.

Dictated to the typist, typed by her in computer, corrected by me and pronounced in open court on this the 19th day of June 2026.

Judicial Magistrate No. II
Tindivanam