

In the Court of Judicial Magistrate, Gingee, Villupuram District

Present: Tmt. B. Vidhya, L.L.M.,

Judicial Magistrate, Gingee

Tuesday, the 07th day of April 2026

CrI.M.P.No.139/2026

In

Crime No.70/2026

(on the file of Valathy Police Station)

Thamim, age 32,
s/o. Kulam Mugamath,
No.23, Gingee Road,
Chetpet, Chetpet Taluk,
Thiruvannamalai District.

...Petitioner/Accused

-Vs -

State represented by:-

SHO,
Valathy Police Station,
Cr.No.70/2026,
C.P.No.37/2026.

...Respondent/ Complainant

Counsel for Petitioner:- Tr.S.Balaji, B.Com., B.L,

Counsel for Respondent:- Assistant Public Prosecutor Grade-II

ORDER

1. Petition filed U/s.497 of BNSS seeking return of property namely Honda Activa, bearing Registration No:- TN-25-BC-9084 for interim custody till the disposal of the case.

2. The Learned Counsel for the petitioner contended that the petitioner is the absolute owner of vehicle namely Honda Activa, bearing Registration No:- TN-25-BC-9084 and having Chassis No:-ME4JF507CHT035499 and Engine. No:- JE50ET5034858. It was further submitted that the respondent police has registered a case in crime No.70/2026 for offence punishable U/s.274, 275 of BNS r/w 24(1) COTPA Act and the above said vehicle was seized in the said case and the same is produced before this court and it is numbered as C.P.No.37/2026 and the vehicle exposed to sun and rain without proper

accommodation. Hence, the learned counsel for the petitioner prayed for interim custody of the said properties till the disposal of the case.

3. Objections by the prosecution:- The Learned Assistant Public Prosecutor Grade-II/respondent police has filed their reply stating that prosecution is strongly opposed to release the property to the petitioner on the ground that he will not produce before trial court during the trial. At the same time investigation is pending. Hence, Petition may be dismissed.

4. Point for Consideration:- Whether this petition is to be allowed or not?

5. Point:- Heard both sides. Records Perused. On perusal of records, it is found that the case has been registered in Crime No. No.70/2026 for offence punishable U/s.274, 275 of BNS r/w 24(1) COTPA Act. It is also evident from the xerox copy of certificate of registration filed by the petitioner that he is the absolute owner of the vehicle namely Honda Activa, bearing Registration No:- TN-25-BC-9084 and having Chassis No:-ME4JF507CHT035499 and Engine. No:-JE50ET5034858. Our Hon'ble Apex Court in **Sunderbhai Ambala Desai Vs. State of Gujarat CDJ 2003 SC 61** has categorically held that mere keeping the vehicles in the custody of police or court will reduce the utility of the same and there is no use in keeping the seized vehicles in police stations for long period and it is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. In the light of above judgment of Hon'ble Apex Court and considering the fact that the petitioner is the owner of the said vehicle, this court is inclined to return the vehicle namely Honda Activa, bearing Registration No:- TN-25-BC-9084 and having Chassis No:-ME4JF507CHT035499 and Engine. No:-JE50ET5034858 to the petitioner in interim custody till the disposal of case on following conditions:

- a. The Petitioner shall execute own bond for a sum of Rs.50,000/-

(Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of this court.

- b. The Petitioner shall deposit the original RC book in the court.
- c. The Petitioner shall produce Photograph along with CD showing all sides of the vehicle.
- d. The Petitioner shall give an undertaking that he shall produce the which before this court as and when required by this court.
- e. Further he shall given an undertaking that he shall not alienate the vehicle without the permission of the court or make any encumbrance in the above properties till the disposal of case.

Accordingly, this petition is allowed.

Dictated to Steno-typist, transcribed by her in computer, corrected and pronounced by me in open court, on this 07th day of April 2026.

**Judicial Magistrate,
Gingee.**