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**IN THE COURT OF JUDICIAL MAGISTRATE
ARUPPUKOTTAI**

PRESENT : Selvi. D.Jeyapradha, B.A.,B.L.,(Hon's)

Judicial Magistrate

Aruppukkottai

Wednesday, the 1st day of July 2026

Cr.M.P.No.165/2026

in

Cr.No.235/2025 (Aruppukkottai Taluk PS)

Maheshwaran, 46/26, S/o. Muthu Gurusamy, 26/23, E.B. Colony, 27 th Street, Palayampatti, Aruppukkottai Taluk, Virudhunagar District.	:	Petitioner /Owner
/Vs/		
1. Sub-Inspector of Police, Aruppukkottai Taluk P.S. Cr.No.235/2025	:	1 st Respondent
2. Senthilkumar, S/o.Irulappan,	:	2 nd Accused
3. Kadhar Maidheen 43/26, S/o.Jagheer Usain.	:	Previous Owner
4. Karthick Sivakasi Auto Consulting. Sivakasi.	:	The person who sold the vehicle

5. Karuppasamy S/o.Mookkaiya Devar.	:	1 st Accused
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This petition coming on this day for final hearing before me in the presence of **Mr.R.Suresh Babu, B.Com., L.L.B.**, the Learned Counsel for the Petitioner/ Owner and The Learned Assistant Public Prosecutor, appearing for the State/1st respondent and hearing upon the arguments and perusal of records, this court delivers the following...

ORDER

1. This petition has been filed seeking the return of the case property, namely a TATA SUMO (four-wheeler) bearing Registration No.TN 20 CB 2198 (hereinafter referred to as the “case property,”) which was seized in connection with Crime No.235 of 2025 on the file of the Aruppukottai Taluk Police Station.
2. The learned counsel for the petitioner/owner submitted that the petitioner is in need of his four-wheeler for his day-to-day work and that, unless the case property is returned to his custody, the same will be wasted without proper maintenance. It is further submitted that the petitioner purchased the vehicle through the fourth respondent, who is a consultancy, from the third respondent, in whose name the original RC Book of the case property stands, and that he has filed a copy of the sale agreement executed between himself and the fourth respondent. Hence, it is prayed that the case property be returned to the

petitioner subject to such conditions as this Court may deem fit in the facts and circumstances of the case.

3. In reply to the above petition, it has been stated that the said case property has been seized, and it is in the custody of this court in PR.No. 293 of 2025. The learned Assistant Public Prosecutor appearing for the respondent police has objected to return the case property and submitted that if the property is returned to the petitioner, he may use same for committing similar kind of offence and he may alienate the same, thus it is prayed to dismiss the petition.
4. Notice was served on the third respondent, who appeared before this Court and stated that he had already sold the vehicle on 28.12.2024 through a broker, namely the fourth respondent herein, and therefore he has no objection to the return of the property to the petitioner. Further, the fifth respondent, from whom the property was seized, also appeared before this Court and stated that he has no objection to the return of the property to the petitioner. The notice sent to the address of the fourth respondent was returned with the endorsement "not known". Hence, at the request of the petitioner's counsel, service of notice on the fourth respondent was dispensed with, as the petitioner had produced a copy of the sale agreement. Both sides were heard.
5. After considering the submissions put forth by both sides, it appears to the court that the petitioner is the owner of the case property and the same will be very much needed for his livelihood and to cope with his day-to-day activities. The Honourable Apex court in the case of ***Sunderbhai Ambalal Desai vs State***

of Gujarat reported in **2003 (1) CTC 175**, held that the owner of the article would not suffer because of the same remaining unused, it ought not to be retained in the custody of the Court or of the police for any time longer than what is absolutely necessary. The idea is that the property should be restored to the original owner after the necessity to retain it ceases. While applying the principle to this case, this court is of the view that, there is no absolute necessity to retain the Case property in the custody.

6. It is a known fact that if any vehicle was allowed to remain in open place and even if it was kept in a protected place, the utility and value of the vehicles will go down and keeping the vehicles in the custody till the disposal of the trial will not serve any purpose. While dealing with this kind of petition the interest of the property owner is to be protected and also the interest of the prosecution in presenting the required physical evidence before the Court should not be lost sight of.

Hence this court is inclined to grant interim custody of the above said case property to the petitioner /owner, with the following conditions,

- i) The respondent/police shall produce the case property before this court within one week.
- ii) The Petitioner shall transfer the RC of the case property to his name within a period of 30 days from the date of receipt of case property and report compliance before this court

iii) The petitioner/owner shall execute a bond for Rs.3,00,000/- (Rupees Three lakhs only) along with two sureties for a like sum to the satisfaction of this court.

iv) The petitioner/owner shall not alienate, encumber, or make any alteration in the case property without prior permission of this court, and he shall produce the same whenever it is required till the disposal of this case

v) A detailed Panchnama to be prepared, along with photographs in every possible angle, through e-sakshya and it shall be accompanied by Part-A certificate under Section 63 (4)(c) of Bharatiya Sakshya Adhiniyam, by the investigation officer or the photographs shall be accompanied by Part-A and Part-B certificates under Section 63 (4)(c) of Bharatiya Sakshya Adhiniyam, to be produced by the petitioner.

Dictated to steno-typist, transcribed and formatted by steno-Typist, and then corrected and pronounced by me in the open court on this 1st Day of July 2026.

Judicial Magistrate,
Aruppukottai.

LIST OF DOCUMENTS

S.No.	Description of document	Remarks
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1.	RC Book	Xerox
2.	Vehicle Agreement Document	Xerox
3.	Aadhaar Card of Petitioner	Xerox

Judicial Magistrate,
Aruppukottai.