

**IN THE COURT OF JUDICIAL MAGISTRATE
ARUPPUKOTTAI**

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

Judicial Magistrate

Aruppukkottai

Wednesday, the 01st day of July 2026

Cr.M.P.No.166/2026

in

Cr.No.66/2026 (Pandalgudi PS)

Seenivasan, 46/26, S/o. Piravi.	:	Petitioner /Owner/2nd Accused
/Vs/		
Inspector of Police, Pandalgudi PS. Cr.No.66/2026	:	Respondent

This petition coming on this day for final hearing before me in the presence of **Mr. Premkumar, B.A.,L.L.B**, the Learned Counsel for the Petitioner/ Accused and The Learned Assistant Public Prosecutor, appearing for the State/ 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 lorry (four-wheeler) bearing Registration No. TN 52 L 0280 (hereinafter referred to as the "case property,") which was seized in connection with Crime No. 66 of 2026 on the file of the Pandalgudi Police Station.

2. The learned counsel appearing for the Petitioner/Owner/2nd Accused submits that, the petitioner is the owner of the case property. He further submits that the petitioner is in need of his Four-wheeler for his day-to-day work, unless the case property is returned to the custody of the petitioner the same will be wasted without any maintenance. The copy of Registration certificate of the case property is produced before this court to ascertain his ownership. Further he submits that the petitioner is having valid permit to transport rough stone allegedly seized by the authorities and copy of the same is produced before this court. Furthermore, the learned counsel for the petitioner alleged that the original permit has been shown to revenue authorities at the time of inspection but they wantonly seized the vehicle and refused to return the original permit for the reason known to them. Hence, it is prayed to return the case property with such condition which deems fit in the facts and circumstances of this 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.65 of 2026. 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. After considering the submissions made by both sides, this Court is of the view that the petitioner is the owner of the case property and that the same is

required for his lawful use. 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. Further the reply submitted by respondent police does not shows any requirement of the vehicle for the purpose of investigation.

5. 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.
6. In this case, the case property has been seized for the alleged reason that it has been used by the petitioner to transport the rough stone without a permit. However, the petitioner has produced a copy of the valid transit permit for the transportation of rough stone, which was in force at the time of the seizure. The

- permit shows that the petitioner was authorised to transport 24 MT of rough stone. As per the prosecution records, 18 CBM of rough stone was seized, which is approximately equivalent to 6 units. On the other hand, the transit permit produced by the petitioner authorises the transportation of approximately 5.33 units of rough stone. Based on the said permit, the learned counsel for the petitioner contended that the quantity of rough stone seized is substantially within the permitted limit and that the respondent police have deliberately exaggerated the measurement of the seized rough stone. By considering the same this court is of the view that there is no major difference between the two measurements, under such circumstances the petitioner ought not be left to suffer by retaining his property which will be very much needed for his livelihood. Considering the above facts, this Court is of the view that there is no substantial difference between the quantity covered under the transit permit and the quantity alleged to have been seized by the prosecution. In such circumstances, the petitioner should not be made to suffer by the continued retention of his property, particularly when the same is required for his livelihood.
7. 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 petitioner/owner shall execute a bond for Rs.10,00,000/- (Rupees Ten lakhs only) along with two sureties for a like sum to the satisfaction of this court.

ii) The petitioner/owner shall deposit a sum of Rs.25,000/- (Rupees Twenty-five thousands only) in Cr.No.66 of 2026 (Pandalgudi Police station) to the credit of this court.

iii) 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.

iv) The Petitioner/owner shall not involve the vehicle in any kind of similar offence in future.

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 01st Day of July 2026.

Judicial Magistrate,
Aruppukottai.

LIST OF DOCUMENTS

S.No.	Description of document	Remarks
1.	Aadhaar Card of Petitioner	Xerox
2.	RC Book	Xerox
3.	Transit Permit	e-copy

Judicial Magistrate,
Aruppukottai.