

KAMS320001712026



**IN THE COURT OF THE VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR**

Dated this the 10th day of April 2026

-: P R E S E N T :-

Sri.T.GOVINDAIAH,

B.Com. LL.B.,

**VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR**

Crl.RP.No.5011/2025

REVISION PETITIONER : **Abhilasha @ Abhi**
S/o Shivaraj
Aged about 29 years
R/at Kadanakoppalu Village,
Bilikere Hobli,
Hunsur Taluk,
Mysuru District.

(By Sri.T.Seena, Advocate)

- Vs -

RESPONDENT : **State by**
Hunsur Town Police Station,
Hunsur Taluk,
Mysuru District.

(By Public Prosecutor)

:: ORDER ::

The Crl.Rev.petitioner has filed this Crl.Revision petition challenging the order passed by the Prl.Sr.Civil Judge and JMFC, Hunsur in Cr.No.69/2025 dated 04.10.2025.

2. The brief facts of the petition are as under:

The respondent/police have filed the case in Cr.No.69/2025 and seized one Suzuki Axis Motorcycle bearing Reg.No.KA-09 JH-5039, Chassis No.MB8DP12DGN8C21325, Engine No.AF217117376 and Oppo Mobile A-12 Model No.CPH2083, Airtel Sim No.9686522651 in PF.No.52/2025. The petitioner has moved application u/sec.438 of BNSS seeking release of said items before trial court as the same was recovered from him.

3. The Revision petitioner submits that, the respondent/police have seized his vehicle and mobile. He is

the RC owner of the said vehicle and owner of the mobile. The petitioner is a poor person and he needs the said items for his day today use. The petitioner is ready to abide by any conditions imposed. The order of the trial court is against the principles of law. If the vehicle and mobile is kept idle, it would catch rust and get damaged. The impugned order of the trial court is erroneous, misconceived and liable to be set-aside. Hence, for all these reasons, he prays for allowing the petition.

4. Grounds to this petition are as under:

1. The order of the trial court is improper and unsustainable and same is liable to be set-aside.
2. The order of the trial court is against to natural justice.
3. The trial court passed the order without applying its judicious mind.
4. The trial court erred in rejecting the application filed by applicant u/sec.497 r/w 503 of BNSS on 04.10.2025 for interim custody of the

vehicle / Suzuki Axis Motorcycle bearing Reg.No.KA-09 JH-5039 and Oppo mobile.

5. The trial court failed to appreciate that, for the said vehicle and mobile there is no counter claim from any other persons.

6. The trial court has erred in rejecting the application only on the basis of objections filed by prosecution.

7. The trial court has not considered the fact that the said vehicle and mobile was purchased by his hard earned money.

8. The trial court has erred in not carefully scrutinized the materials produced by the Respondent/police or by petitioner.

9. The trial court has erred in not assigning any valid reasons for rejecting the application filed by petitioner.

10. The trial court has not considered the fact that, the said vehicle and mobile is required for petitioner for his day today personal use.

11. Since the vehicle is parked outside the police station which exposed rigorous of nature and if the vehicle is not released, it will be rusted up and the mobile is in cupboard the electronic device will not function properly.

12. The impugned order is not sustainable in law and facts.

13. The petitioner is ready and willing to furnish surety and indemnity bond for the satisfaction of this court.

Hence, prays for directing the trial court to release the said vehicle and mobile in favour of the petitioner which is seized by Hunsur Town Police, Hunsur Taluk, in Cr.No.69/2025.

5. After registering the revision petition, the notice was duly served to the respondent through Learned Public Prosecutor.

6. Heard the arguments of both sides.

7. Perused the case papers and contents of petition.

8. The brief points which arise for my consideration are as under:

1. Whether the Revision petitioner has made out sufficient grounds to allow the petition and to set-aside the order in Cr.69/2025 dated 04.10.2025 passed by the Prl. Sr. Civil Judge and JMFC, Hunsur ?
2. What order?

9. My findings on the above points are as under:

Point No.1 : **In the Affirmative**

Point No.2 : As per final order for the following:

REASONS

10. Point No.1 : Considering the circumstances of the case, limitation application is allowed and deny is condoned.

The Revision petitioner has preferred this revision petition being aggrieved by the order of the Prl. Sr.Civil Judge and JMFC, Hunsur in Cr.69/2025 dated 04.10.2025.

11. The complainant police had seized the petitioner's vehicle and mobile i.e., Suzuki Axis Motorcycle bearing Reg.No. KA-09 JH-5039 and Oppo mobile.

12. I have carefully gone-through the order of the trial court. However, I am of the opinion that, the trial court has committed an error by rejecting the application of the petitioner. No doubt, the vehicle and mobile was seized in this case. However, the Hon'ble Supreme Court has time and again directed the trial courts to release the vehicle and mobile to the interim custody of the owner and not to keep it idle in the Police station.

13. In this regard, I would like to rely upon the decision of the Hon'ble Supreme Court of India reported in;

(2002) 10 Supreme Court Cases 283.

Sunderbhai Ambalal Desai V/s State of Gujarat

The Hon'ble Supreme Court in the above referred decision has held that, the seized vehicle and mobile should be released to interim custody of the owner if all the necessary documents are provided.

14. In this case, the petitioner in support of his contention has produced the copy of RC and on perusal of the said document, it is observed that, the vehicle and mobile is standing in the name of the petitioner and hence, he is entitled for interim custody of the vehicle and mobile.

15. I have carefully gone-through the order of the trial court. However, reasons assigned by the trial court to reject the application are not acceptable. The trial court ought to have released the vehicle and mobile to the interim custody of the petitioner. Therefore, this court is of the opinion that, the trial court has committed an error by rejecting the application. Hence, the order of the trial

court calls for interference and it is liable to be set-aside.

Therefore, this court answered Point No.1 in the 'Affirmative'.

16. Point No.2:- In view of the above findings on above point, this revision petition deserves to be allowed by setting-aside the impugned order. Thus, application filed Sec.438 of BNSS is to be allowed by imposing conditions. Hence, this court proceed to pass the following:

:: ORDER ::

The Revision petition filed by the Revision petitioner/applicant under Sec.438 of BNSS., is hereby allowed.

Consequently, the impugned order of the Prl. Sr. Civil Judge and JMFC, Hunsur in Cr.No.69/2025 dated 04.10.2025 in PF.No.52/2025 on application filed U/S 497 r/w 503 of BNSS, is hereby set-aside.

Accordingly the application filed by the petitioner/applicant U/S 438 of BNSS is hereby allowed.

The interim custody of Suzuki Axis vehicle bearing Reg.No. KA-09 JH-5039 and Oppo Mobile A-12 is released to the interim custody of the petitioner on following :

CONDITIONS

1. The petitioner shall execute an Indemnity Bond for Rs.1,00,000/- and Rs.50,000/- with one surety for the likesum.
2. The Petitioner shall not change the colour and identity of the vehicle and mobile.
3. The Petitioner shall not alienate or sell the vehicle and mobile without prior permission of this court.
4. The Petitioner shall produce the vehicle and mobile as and when directed by this court, at his own cost and expenses.

5. The I.O. is directed to take 4 photographs in different angles of the vehicle and mobile and submit photos before this court.
6. The I.O. is directed to release the vehicle and mobile to the applicant as ordered above on proper identification and submit compliance report to this court with photos.
7. The Office is directed to send certified copy of this order to the concerned Magistrate, who shall pass necessary further orders for release of vehicle and mobile as ordered above, only after furnishing indemnity and surety bonds.

(Dictated to the stenographer directly on the computer, revised and corrected by me and then pronounced in the open court on this the 10th day of April 2026)

(T.GOVINDAIAH),
VIII Addl. District & Sessions Judge,
Mysuru, sitting at Hunsur.