

**IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE**

Present: **Tmt. G. VIJAYA, B.A., M.L., PGDCFS**
Principal District & Sessions Judge, Coimbatore.

Monday, this the 16th day of March 2026

(திருவள்ளூர்வராண்டு, 2057, விசுவாவசு பங்குனி திங்கள் 02-ஆம் நாள்
திங்கள்கிழமை)

Criminal Revision Petition No.4/2026
(CNR No.TNCB010004772026)

Devaraj

... Revision Petitioner/
Owner of Car

/vs/

The State

represented by the Public Prosecutor

... Respondent/Complainant

This Criminal Revision Petition came up before me for final hearing on 10-03-2026 in the presence of **Smt.V.Subashni**, Advocate for the Revision Petitioner/Owner of Car and **Thiru.V.Ravichandran, Public Prosecutor**, represented for State and upon perusing the records and hearing the arguments and upon perusing the petition and having stood over for consideration till this day, this Court passed the following

ORDER

This Criminal Revision Petition has been filed by the Revision Petitioner under Section 438 read with 440 of BNSS, to set aside the impugned order passed by learned Judicial Magistrate No.6, Coimbatore on 06-01-2026 in Cr.M.P.No.11668/2025 in Crime No.362/2025 and pass an order to the respondent police to produce the vehicle TATA Safari Car Engine No.22LO1COROBYVJ04760, Chassis No.MAT403733BNB03322 bearing Reg.No.TN 37BR 0942, before the concerned Court and to handover the said property to the Revision Petitioner as interim custody, in the interest of justice by allowing this Revision Petition.

2. The Petitioner preferred an application before the Learned Trial Court seeking interim custody of the property and on 06-01-2026, the Learned Judicial Magistrate No. VI, Coimbatore has dismissed the application, against which the Owner of the Property herein has preferred the present revision petition.

3. GROUNDS OF REVISION :

i. The impugned Order of the Trial Court is contrary to the law. The impugned order suffers from various legal infirmities. The order in CMP is grossly unjust and

erroneous. In passing the dismissed order in CMP, the Trial Court has brazenly breached all canons of law and justice.

ii. The prosecution case is that, on 08.08.2025 a complaint given by one Manikandan that he belongs to one Sakthi Sena Makkal Iyyakkam as Advocate wing State Organizer, and One Annitha working as a junior advocate in his office and she was relieved from office on 18.07.2025. The said Annitha has cheated many persons and she gave various sexual harassment cases against them. Further she gave a false sexual harassment case against his friend one Parthiban and the defacto complainant filed an anticipatory bail application for him and during enquiry of the petition and the respondent police has closed the case and on the basis of the same the Coimbatore District Court has dismissed the petition. The said Annitha has aggrieved on this along with one Vijayakumar advocate who is an enemy for the De-facto complainant has criminal conspiracy to kill him on 07.08.2025 afternoon the said Annitha has called and criminally intimidated through mobile phone, hence gave a complaint along with his political person went to Racecourse Police Station in the meanwhile Annitha contacted de-facto complainant's wife and criminally intimidated and at around 9 o'clock she directly called and immediately contacted the control room and while arrived to his house and they were went to the Ramanathapuram Police station, there his fiend came in the Tata Safari Car along with Parthiban at that

time the accused Vijayakumar took knife and arruval and fried to attack and criminally intimidated, hence this complaint. Based on the complainant the FIR Cr.No.362 of 2025 was registered under section 189(2), 296(b). 308(5) and 351(3) of BNSS. There are 6 accused were arrayed as accused in this case.

iii. Further, the alleged FIR states that the said property of the Tata Safari Car TN37BR0942 also seized by the respondent police. The said Tata Safari Car TN37BR0942 with the de-facto complainant and there was a dispute of the car ownership between the Parthiban and Annitha and it was seized by the respondent police.

iv. The said property Tata Safari Car TN37BR0942 is no way connected with the alleged offence stated in the said FIR. The Petitioner/owner of the car is not at all accused.

v. The said vehicle Tata Safari Car TN37BR0942 is actually in the name of Rama Subu Lakshmi, W/o. Dhamu, is mother of this revision petitioner. The actual owner Rama Subu Lakshmi, W/o. Dhamu died on 16.04.2025 (The death certificate enclosed) and the legal heirship certificate issued by Coimbatore South Tashildar on 01.12.2025 reviled only the Revision petitioner is the legal heir and having valid owner of the said vehicle.

vi. There are several rulings are there regarding the disposal of the property to the

owner and especially in the Supreme Court of India case as mentioned below:

Supreme Court of India,

Sunderbhal Ambalal Desai vs State Of Gujarat on 1 October, 2002

Bench: M.B. Shah, D.M. Dharmadhikari

Special Leave Petition (crl.) 2745 of 2002

JUDGMENT 2002 Supp(3) SCR 39 The following Order of the Court was delivered:

The Court further observed that where the property is stolen, lost or destroyed and there is no prima facie defence made out that the State or its officers had taken due care and caution to protect the property, the Magistrate may, in an appropriate case, where the ends of justice so require, order payment of the value of the property.

To avoid such a situation, in our view, powers under Section 451 Cr.P.C. should be exercised promptly and at the earliest. Valuable Articles and Currency Notes With regard to valuable articles, such as golden or silver ornaments or articles studded with precious stones, it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted. In such cases, Magistrate should pass appropriate orders as contemplated under Section 451 Cr.P.C. at the earliest.

Vehicles learned senior counsel Mr. Dholakia, appearing for the State of Gujarat further submitted that at present in the police station premises, number of vehicles

are kept unattended and vehicles become junk day by day. It is his contention that appropriate directions should be given to the Magistrates who are dealing with such questions to hand over such vehicles to its owner or to the person from whom the said vehicles are seized by taking appropriate bond and the guarantee for the return of the said vehicles if required by the Court at any point of time. In our view, whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. 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 pending hearing of applications for return of such vehicles. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by third person, then such vehicle may be ordered to be auctioned by the Court. If the said vehicle is insured with the insurance company then insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner or a third person. If Insurance Company fails to take possession, the vehicles may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of the said vehicle before the Court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.

However these powers are to be exercised by the concerned Magistrate. We hope and trust that the concerned Magistrate would take immediate action for seeing that powers under Section 451 Cr.P.C. are properly and promptly exercised and articles are not kept for a long time at the police station, in any case, for not more than fifteen days to one month. This object can also be achieved if there is proper supervision by the Registry of the concerned High Court in seeing that the rules framed by the High Court with regard to such articles are implemented properly.

viii. Therefore, the Revision Petitioner/Owner of the property prays to set aside the impugned order passed by Learned Judicial Magistrate No.6, Coimbatore on 06.01.2026 in Cr.M.P.No.11668 of 2025 (filed by the Revision Petitioner/Petitioner under Section 503 of BNSS.) in Crime No.362 of 2025; and pass an order to respondent police to produce the vehicle Tata Safari Car TN37BR0942 ENGINE No.22LO1COROBYVJ04760, Chassis No.MAT403733BNB03322 bearing Reg.No.TN37BR0942, before the concerned Court and to handover the said property to the Revision Petitioner as interim custody, in the interest of justice by allowing this Revision petition; and pass just and apt orders.

4. Points for consideration :

- i. Whether the Tata Safari car bearing Regn No.TN 37BR 0942 is to be returned to the Revision Petitioner?

- ii. Whether the order of the Learned Judicial Magistrate No.VI, Coimbatore is liable to be set aside?

Point :

5. Heard. Perused the petition and the relevant records. The present revision petition is preferred against the order dated 06-01-2026 passed in CMP No.11668/2025 by the learned Judicial Magistrate No.6, Coimbatore in dismissing the petition seeking for interim custody of Tata Safari car bearing registration No.TN 37BR 0942 which was seized by the Ramanathapuram Police Station in Crime No.362/2025 u/s 189(2), 296(b), 308(5) and 351(3) BNS.

6. An FIR has been registered on 08-08-2025 in Crime No.362/2025 for the offences u/s 189(2), 296(b), 308(5) and 351(3) of BNS on the allegation that, due to prior enmity, A-1 had planned to murder the defacto complainant and she joined hands with other accused. On 07-08-2025, at about 01-14 p.m., A-1 called the defacto complainant over phone and threatened him and in this regard, the defacto complainant went to the Race Course PS and while so, at 09.15 p.m., A-1 went home to threaten the defacto complainant's wife, knowing which, the defacto complainant went there and the police called the defacto complainant and A-1 to come to the

police station. Therefore, the defacto complainant along with one Nagaraj, Selvaraj and Thirunavukkarasu were going to the police station in the Tata Safari car bearing Regn No.TN 37 BR 0942 belongs to Parthiban. While so, when they near the police station, A-2 to A-6 snatched the said car key from the defacto complainant by force using knives and sickles and tried to attack the defacto complainant and A-2 threatened to murder the defacto complainant and the said Parthiban.

7. During the course of the investigation, the said Tata Safari car bearing Regn. No.TN 37BR 0942 was seized by the respondent police. The Revision Petitioner herein sought for return of the car and the same was dismissed by the learned Magistrate on 06-01-2026.

8. The learned counsel for the Revision Petitioner has submitted that the vehicle namely Tata Safari car bearing Regn No.TN 37BR 0942 was with the defacto complainant and there was a dispute of the car ownership between the Parthiban and A-1 herein. The said car is in no way connected with this offence. The Revision Petitioner is the owner of the car and he is not arrayed as accused. The vehicle is actually in the name of Mrs.Rama Subu Lakshmi W/o. Dhamu, who is the mother of the Revision Petitioner and the said Mrs.Rama Subu Lakshmi died on 16-04-2025

and the legal heirship certificate issued by Coimbatore South Tashildar on 01-12-2025 reveals that only the Revision Petitioner is the legal heir and having valid owner of the said vehicle.

9. The learned counsel for the Revision Petitioner further submitted that the Revision Petitioner being the owner of the vehicle is entitled for interim custody and that the Revision Petitioner is ready to comply with any condition that this Court may impose. The learned counsel for the Revision Petitioner relied upon the judgment of the Hon'ble Supreme Court and prayed for return of vehicle.

10. Whereas, the learned Public Prosecutor contended that, on the same date of the incident, A-1 Anitha in this case, has lodged a complaint in Crime No.363/2025 for the offences u/s 316(2), 318(4), 296(b), 351(3) of BNS and Section 4 of TNPHW Act against Parthiban and Manikandan stating that one Parthiban promised to marry her and on his desire words, she gave a sum of Rs.1,25,000/-, 2¾ sovereigns of gold jewels, a sum of Rs.2,75,000/- by leasing her house property and a Safari car for Rs.3,60,000/- to the said Parthiban and while so the said Parthiban cheated her by not marrying and when she demanded to return the amount, jewels and car, the said Parthiban and the defacto complainant in this case, namely Manikandan, abused her in filthy language and threatened her with dire consequences.

11. The learned Public Prosecutor further contended that investigation in Crime Nos.362/2025 and 363/2025 reveals that the defacto complainant in Crime No.363/2025 exchanged her father's Tata Zest car bearing Regn No.TN 39BR 4392 for Rs.2,50,000/- at Kumaran Cars, a second hand showroom in Sular. Additionally, she took a loan of Rs.2,00,000/- from Thirukumaran Finance in Sular and purchased a Tata Safari car namely the petition mentioned property herein for Rs.3,60,000/- to give to a person namely Parthiban. Therefore, he objected to release the petition mentioned property to the Revision Petitioner. If the vehicle is released, the vehicle might lead to it being sold or destroyed and it is crucial for Court investigation regarding Crime Nos.362/2025 and 363/2025.

12. This Court has given its anxious consideration on the rival contentions of both the parties. According to the Petitioner, there has been dispute over car's ownership between Parthiban and Accused No.1 herein and the vehicle was previously with the defacto complainant and the Car has no connection with the alleged offence and the Revision Petitioner is the true owner and he is not arrayed as an accused in the case and the Car is registered in the name of Mrs.Rama Subu Lakshmi W/o Dhamu and she passed away on 16-04-2025 and the legal heirship certificate issued by the Coimbatore South Tahsildar on 01-12-2025 confirms the Revision Petitioner is the sole legal heir of the deceased and the valid owner of the vehicle and he has filed a petition in C.M.P.No.11668/2025, praying to return the said vehicle to him as interim

custody and on 06-01-2026, the learned Judicial Magistrate No.6 dismissed the said petition. Against the dismissal order, the Petitioner has preferred this Criminal Revision Petition.

13. On perusal of the order in CMP No.11668/2025, dated 06-01-2026, it reveals that, it was dismissed on the ground that the Petitioner had already filed petition for the same relief and the same has been dismissed and the above said fact has not been disclosed in the second petition and as already return of property petition has been dismissed, the petition is not maintainable.

14. On perusal of the records, it reveals that, earlier to the above said CMP, the present Petitioner already preferred CMP No.9401/2025 seeking for the same relief and vide order dated 29-09-2025 in CMP No.9401/2025, the learned Judicial Magistrate No.6, Coimbatore dismissed the petition filed by the Revision Petitioner herein seeking interim custody on the ground that, “the property is in the name of one Ramasubbulakshmi who died on 16-04-2025 and the Petitioner is the son of the said Ramasubbulakshmi and the vehicle was taken in custody in regard to Crime No.362/2025 as it was seized from one Saravanakumar who is one of the accused in the above said crime number and the Petitioner appeared before this Court and on enquiry he said that the vehicle already sold by him and as the vehicle stands in the name of his mother, he had filed this petition. Further, it has not been stated in the

petition how the vehicle was in the possession of the above accused. Further, there is no legal heir certificate produced to substantiate the claim that the Petitioner is the only legal heir of the deceased Ramasubbulakshmi”.

15. On perusal of the above said two orders, it reveals that, there is a cloud over the ownership of the property which is sought to be returned. Further suppressing the order passed in CMP No.9401/2025, the present Petitioner has once again preferred CMP No.11668/2025 seeking for the same relief and before this Court also, the Petitioner herein suppressed the order passed in CMP No.9401/2025. Hence as the Petitioner has not approached the Court with clean hands, this Court is not inclined to allow this Criminal Revision Petition and the same is liable to be dismissed.

In the result, Criminal Revision Petition is dismissed with cost of Rs.5,000/- (Rupees Five thousand only) to be payable to the District Legal Services Authority, Coimbatore.

Dictated to the Steno-typist and typed by her directly in the computer, corrected and pronounced by me in the open court, this the 16th day of March 2026.

PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE

LIST OF DOCUMENTS AND WITNESSES : NIL

PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE

Copy to :

The learned Judicial Magistrate No.VI, Coimbatore.

Principal District Court,
Coimbatore
CRP No.04/2026
Dt : 16-03-2026
Draft / Fair order