

**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 30th day of March, 2026

(திருவள்ளூர்வராண்டு, 2057, விசுவாவசு ஆண்டு பங்குனி திங்கள் 16-ஆம் நாள் திங்கட்கிழமை)

Criminal Revision Petition No.5/2026
(CNR No.TNCB010004812026)

Saravana Kumar (aged 29 years),
S/o. Rathinasamy,
No.1/81, Palani Andavar Kovil Street,
Narachipuram,
Coimbatore - 641 109.

... Petitioner

//vs//

The State represented by Public Prosecutor,
Through the Inspector of Police,
R-2 Perur Police Station,
Coimbatore.
Crime No.341/2025

... Respondent

This Criminal Revision Petition came up on 09-03-2026 before this Court for final hearing in the presence of **Tvl. B.Rajappan and S.Babu**, Advocates for the petitioner and **Thiru.V.Ravichandran, Public Prosecutor**, represented for State and upon hearing both side arguments, perusing the relevant documents and having stood over for consideration till this day, this Court passes the following:

ORDER

This Criminal Revision Petition has been filed by the Revision Petitioner u/s.440 of BNSS, praying to set aside the order passed by the learned Judicial

Magistrate No.1 Coimbatore, in C.M.P.No.11266/2025, in Crime No.341/2025, dated 24-12-2025.

2. Averments stated in the affidavit in support of the petition filed by the petitioner u/s.497 r/w 503 of BNSS, before the learned Trial Court are in brief as follows:-

The petitioner is the owner of the petition mentioned vehicle i.e. Maruthi Dezire car bearing Reg.No.TN 99 K 4063. Engine No.D13A3189534. The said vehicle is a tax board car. Petitioner's family is surviving with the help of the car. The petitioner used to take his customers from one place to another place by using the petition mentioned vehicle. One Hariprasath, who is the neighbor of the petitioner requested him to give the vehicle for going for his family function and drove the car. Believing his words, the petitioner is allowing the said Hariprasath to take his car. The said Hariprasah returned the car in the evening. On 31-10-2025, the respondent police came to petitioner's house informed that his car has been used in the criminal case and took away the car. Now the car is under the custody of the respondent police. The petitioner does not know the activities of the said Hariprasath. The petitioner is depending upon the income of the vehicle. Unless the car is returned to the petitioner, he will be put to hardship and its engine will be damaged and hence prays to allow the petition.

3. Before the learned Trial Court, the Prosecution side raised objection not to grant interim custody of the vehicle to the petitioner stating that if the petition mentioned vehicle is returned to the petitioner, he may use the said vehicle for committing similar offence and further tamper the evidence.

4. After considering the submissions made by both sides, the learned Trial Judge has dismissed the petition. Aggrieved over the same, the petitioner has filed the present revision petition.

5. **In this criminal revision petition, the following grounds are raised by the revision petitioner:-**

(i) The petitioner is the owner of the Maruti Suzuki India Limited four wheeler, 2017 model, bearing Reg.No.TN 99 K 4063. The petitioner filed a petition to return the said vehicle and the same was dismissed by the learned Trial Judge.

(ii) On 18-10-2025, the complainant namely Vijay, S/o.Murugan lodged a complaint before the respondent / R-2 Perur Police Station, stating that he lost Rs.50,00,000/- (Rupees Fifty Lakhs) and try to attack him by few persons. In the FIR, there is no mentioning of the vehicle involved, persons involved in the offence. The above said vehicle has been seized by the respondent police in

connection with the case in Crime No.341/2025 for the offence u/s.310(2) of BNS Act, 2023,

(iii) The vehicle stands in the name of the petitioner and the petitioner learnt one of the accused had driven the vehicle on the fateful day. The respondent has registered a case against the accused on the above crime number and had seized the vehicle. The petitioner is not the accused in the above case. Unless petitioner's vehicle is released by the respondent police, he will be put too much irreparable loss, injury and hardships.

(iv) The petitioner paid entire amount to the financier M/s.Sri Amman Auto Finance and got no objection certificate and notice of termination of an agreement of hire purchase / lease hypothecation from the finance company. The petitioner cleared entire debt obtained from the finance company and the financier issued no objection certificate to the petitioner and also returned the vehicle registration book.

(v) It the petition mentioned vehicle is allowed to be kept in an open place, there is every possibility of the vehicle being damaged by lapse of time and the petitioner produced copy of the certificate of registration pertaining to the ownership to prove his ownership. The petitioner undertakes that he will

produce the vehicle before the Court concerned at the time of trial. The petitioner shall abide any legal condition imposed by this Court.

6. **Point for consideration in this petition is that,**

“Whether the impugned vehicle bearing Reg.No.TN 99 K 4063 which was seized by the respondent police / R-2 Perur Police in Crime No.341/2025, for the offence u/s.310(2) of BNS, is ordered to be returned to the Revision Petitioner as interim custody, or not?”

POINT:-

7. **Heard both sides and perused the relevant records.**

8. The revision petitioner who, is the owner of the vehicle bearing Reg.No.TN 99 K 4063. The said vehicle has been seized by the respondent police and case has been registered in Crime No.341/2025, for the offence u/s.310(2) of BNS. The petitioner has filed a petition in C.M.P.No.11266/2025, praying to return the said vehicle to him as interim custody and on 24-12-2025, the learned Judicial Magistrate No.1, Coimbatore, dismissed the said petition. Against the dismissal order, the petitioner has preferred this criminal revision petition.

9. The learned counsel for the revision petitioner has argued that the revision petitioner is the owner of the petition mentioned vehicle and the

petition mentioned vehicle has been seized by the authorities concerned, alleging that the said vehicle has been used in the present crime. The learned counsel has further argued that one Hariprash is the who is the neighbor of the petitioner requested the petitioner to give the vehicle for going to a family function and believing his words, the petitioner handed over the vehicle to him. The petitioner has no knowledge about the offence. The learned counsel has further submitted that the petitioner's family is depending upon the income from the vehicle. The learned counsel has further submitted that, if the vehicle is kept idle for some more time without usage, it will loses its identity and its value also gets depreciated and the petitioner is in need of the vehicle for his day to day livelihood and he is ready to abide with any condition and prays to hand over the petition mentioned vehicle to the petitioner as interim custody.

10. The learned Public Prosecutor would argue that, the petition mentioned vehicle was used by the accused and the respondent police registered the case for the offence u/s.310(2) of BNS. The learned Public Prosecutor has further submitted that in this case, investigation is completed and the same was taken on file in PRC No.4698/2026 and the vehicle was remanded in PR No.13/2026. No previous case is pending against either the petitioner or the vehicle.

11. This Court has given its anxious consideration on the rival submissions of both the parties. According to the petitioner, he is the owner of the petition

mentioned vehicle and the said vehicle has been seized and case has been registered in Crime No.341/2025. The petitioner has filed a petition u/s.497 r/w 503 of BNSS, in C.M.P.No.11266/2025, praying to return the said vehicle to him as interim custody and on 24-12-2025, the learned Judicial Magistrate No.1, Coimbatore, dismissed the said petition. Against the dismissal order, the petitioner has preferred this criminal revision petition. From the submissions of the learned Public Prosecutor, it is evident that no previous case is attributed against the petitioner. As of now, the petition mentioned vehicle has been produced before the learned Judicial Magistrate concerned and remanded in PR No.13/2026 and further the respondent police filed charge sheet before the Court concerned and the same was taken on file in PRC No.4698/2026.

12. On perusal of records, it appears that the respondent police registered the case in Crime No.341/2025, for the offence u/s.310(2) of BNS, alleging that the petition mentioned vehicle in the commission of the crime. In this connection, the Hon'ble Apex Court in the judgment reported in **2003 SCC (CrI) 1440** in the case between **Sundarabai Ambalal Desai Vs State of Gujarat**, has held that marking the seizure report along with photograph or videograph is sufficient to prove the factum of seizure.

13. Therefore, considering the facts and circumstances of the case and considering the fact that keeping the vehicle without maintaining it at the police

station or in court premises, is not useful to any persons and in view of the dictum laid down by the Hon'ble Supreme Court, this Court is of the considered view that interim custody of the petition mentioned vehicle bearing Reg.No.TN 99 K 4063 is to be handed over to the revision petitioner as it is of no use to keep the seized vehicle idle in the Court or in police station for a long period. From the foregoing circumstances, this Court is of the considered view that the order passed by the learned Judicial Magistrate No.1, Coimbatore in C.M.P.No.11266/2025, dated 24-12-2025 is liable to be set aside.

14. Accordingly, the order passed by the learned Judicial Magistrate No.1, Coimbatore, in C.M.P.No.11266/2025, dated 24-12-2025 is set aside and this Criminal Revision Petition is allowed. The petition mentioned vehicle bearing Reg.No.TN 99 K 4063 seized by R-2 Perur Police, Coimbatore in Crime No.341/2025 is ordered to be handed over to the revision petitioner as interim custody subject to the following conditions;

1. The revision petitioner shall produce the Proof of ownership of the vehicle.
2. The revision petitioner shall take photographs of the vehicle in four angles and hand over it along with the CD to the learned Judicial Magistrate No.1, Coimbatore.
3. The revision petitioner shall execute a bond for a sum of **Rs.50,000/-** [Rupees Fifty Thousand] with two sureties for likesum each to the satisfaction of learned Judicial Magistrate No.1, Coimbatore.

4. The revision petitioner shall surrender the original R.C.Book and the learned Judicial Magistrate No.1, Coimbatore, and the learned Judicial Magistrate No.1, Coimbatore, is at liberty to return R.C. book for renewal of the registration or for insuring the vehicle. The R.C. Book can be obtained from the Court by filing a petition and after the accomplishment of the purpose, the same should be returned to the Court.

5. The revision petitioner shall also file an affidavit of undertaking to the effect that;

(a) He will not alienate the vehicle without obtaining an order from the learned Judicial Magistrate No.1, Coimbatore.

(b) He will produce the said vehicle before the Court as and when summoned to produce the same; and

(c) No major alteration excepting the necessary repairs to make the vehicle road worthy shall be made.

6. The revision petitioner is also directed to produce the vehicle as and when required by the concerned police.

In the result, the Criminal Revision Petition is allowed and the order in C.M.P.No.11266/2025, dated 24-12-2205 passed by the learned Judicial Magistrate No.1, Coimbatore, is hereby set aside. The petition mentioned vehicle bearing Reg.No.TN 99 K 4063 [Maruti Suzuki Car] is ordered to be returned to the Revision petitioner as interim custody on condition enumerated in paragraph No.14 of this order.

This order is dictated to steno-typist directly, typed by her in computer, corrected and pronounced by me, the order in open Court, on this the 30th day of March, 2026.

PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.

LIST OF WITNESSES EXAMINED ON BOTH SIDES:-

NONE

LIST OF DOCUMENTS MARKED ON BOTH SIDES:-

NIL

**PD & SJ.,
CBE.**

Copy to:-

The Judicial Magistrate No.1,
Coimbatore.

//True copy//

Draft order in
C.R.P.No.5/2026
Dated:30-03-2026.