

**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 23<sup>rd</sup> day of March, 2026**

(திருவள்ளூர்வராண்டு, 2057, விசுவாவசு ஆண்டு பங்குனி திங்கள் 9-ஆம் நாள் திங்கட்கிழமை)

**Criminal Revision Petition No.19/2026**  
**(CNR No.TNCB010012802026)**

A.Revathy (42)  
W/o.Annadurai,  
No.4/150, Kumarapuram,  
Annur Road,  
Mettupalayam,  
Coimbatore - 641 301.

... Petitioner / Accused

//vs//

The State represented by  
Inspector of Police,  
Periyanaickenpalayam Police Station  
Coimbatore.  
Crime No.268/2025

... Respondent / Complainant

This Criminal Revision Petition came up on 11-03-2026 before this Court for final hearing in the presence of **Thiru. D.Prabhu and Smt.V.Rajeswari**, Advocates for the petitioner / accused 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.438 r/w 440 of BNSS, praying to set aside the order passed by the learned

Judicial Magistrate No.5, Coimbatore, in C.M.P.No.10776/2025, in Crime No.268/2025, dated 06-11-2025.

**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. The respondent police registered a case against the accused for the offence u/s.303(2) of BNS and Sec.21(1) of Mines and Minerals (Development & Regulation) Act. At the time of arrest on 26-04-2025, the respondent police seized the petitioner's vehicle bearing Reg.No.TN 27 P 1558, Goods Carrier Mini Lorry from the petitioner. If the petition vehicle is not returned to the petitioner as interim custody, the value of the vehicle will drastically diminish due to the exposure to incremental weather and lack of maintenance etc. The petitioner undertakes that she will neither sell nor subject it to any alteration. Further the petitioner undertakes that she will produce the vehicle before the Court as and when required and he is ready to furnish sufficient sureties to the satisfaction of the Court.

3. Before the learned Trial Court, the Prosecution side raised objection not to grant interim custody of the vehicle to the petitioner stating that the petition mentioned property has been used for illegal transport of mines and minerals

without proper permission and due to which, the Deputy Tahsildar (North) seized the said vehicle and thereafter this case has been registered and as of now, investigation is still pending and at this stage, if the petition mentioned vehicle is handed over to the petitioner, he may commit similar offence by using the vehicle and he will not produce the petition mentioned property as and when required by the Court and there is every possibility for the petitioner to alter or alienate the property.

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 order of the learned Trial Court is against law, weight of evidence and probabilities of the case. The learned Trial Court passed the impugned order without application of mind. One of the grounds relived by the learned Trial Court while dismissed the petition is that the owner of the vehicle is absconding. The Directors of the Revision Petitioner have got anticipatory bail in CrI.O.P.No.4021/2025 on 07-10-2025.

(ii) The vehicle bearing Reg.No.TN 27 P 1558 has been seized by the respondent police in Crime No.268/2025 on the ground that the vehicle was involved transporting large sized kerb stones without valid transit pass on 26-04-2025 at about 10.30 a.m., near petrol bunk kottai pirivu, Periyanaickenpalayam within the jurisdiction of the respondent police.

(iii) The above said vehicle was driven by her driver P.Devaraj, who was arrested and bailed out as per the order of this Court in CrI.O.P.No.2104/2025, dated 22-05-2025. By transporting the above material, no offence has been committed by the driver of the said vehicle.

(iv) Time and again the various High Court and Apex Court have held that the learned Trial Court must be more lenient in considering the interim custody of the vehicle concerned in a crime. The Apex Court while dealing with the power of the learned Trial Court regarding custody of the vehicle has held that the owner of the vehicle would not suffer because of its remaining unused and the Court or the police would not be required to keep the vehicle / article in safe custody. Further the Apex Court made an observation that the magistrate concerned should pass an appropriate order immediately and articles are not to be kept for a long time at police station, in any case, for not more than 15 days to one month.

(v) Further it is settled position of law that proper panchnama should be ought to have returned the vehicle to custody of the revision petition by taking into consideration of the provision of Rule 257 of Criminal Rules of Practice 2019.

(vi) The vehicle is commercial transport vehicle, which forms an integral part of the petitioner's livelihood. Keeping the vehicle idle for an indefinite period will result in irreparable loss to the petitioner, as commercial vehicles require regular operation to maintain their mechanical efficiency. Prolonged disuse will cause depreciation in value and may lead to irreparable damage to crucial components, including the battery, tyres and engine. The petitioner is ready and willing to comply with any conditions imposed by this Court to ensure that the vehicle remains unaltered and is produced before the Court whenever required. If necessary, the Court may direct the petitioner to provide an undertaking that he will not sell, transfer or make modifications to the vehicle during the pendency of the proceedings.

(vii) The observation of the learned Trial Court that the vehicle, if released, might have been used again for the very same offence is neither legal nor correct. The revision petitioner is operating the vehicle for his livelihood by using it for his business. Therefore, the revision petitioner prays to set aside the

order passed by the learned Judicial Magistrate No.5, Coimbatore, in C.M.P.No.10776/2025, in Crime No.268/2025, dated 06-11-2025.

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

“Whether the impugned vehicle bearing Reg.No.TN 27 P 1558 which was seized by the respondent police / Periyanaickenpalayam Police in Crime No.268/2025, for the offence u/s.303(2) BNS and Sec.21(1) of Mines & Minerals (Development & Regulation) Act, 1957, is 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 27 P 1558. The said vehicle has been seized by the Deputy Tahsildar (North) and case has been registered in Crime No.268/2025, for the offence u/s.303(2) BNS and Sec.21(1) of Mines & Minerals (Development & Regulation) Act, 1957. The petitioner has filed a petition in C.M.P.No.10776/2025, praying to return the said vehicle to him as interim custody and on 06-11-2025, the learned Judicial Magistrate No.5, 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 for illegal transportation of big size stones without valid transit pass. The learned counsel has further argued that if the vehicle is kept idle for some more time without usage, it will lose its identity and its value also gets depreciated and the petitioner is in need of the vehicle for his day to day livelihood and she 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 for transportation of big size stones without valid transit pass. Therefore, the respondent police seized the said vehicle from the accused. The learned Public Prosecutor has further submitted that in this case, investigation is not completed. The vehicle is not yet produced before the Judicial Magistrate concerned and remanded in PR No.242/2025. 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, she is the owner of the petition mentioned vehicle and the said vehicle has been seized and case has been registered in Crime No.268/2025. The petitioner has filed a petition u/s.497 r/w

503 of BNSS, in C.M.P.No.10776/2025, praying to return the said vehicle to him as interim custody and on 06-11-2025, the learned Judicial Magistrate No.5, 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.242/2025.

12. On perusal of records, it appears that the respondent police registered the case in Crime No.268/2025, for the offence u/s.303(2) BNS and Sec.21(1) of Mines & Minerals (Development & Regulation) Act, 1957, alleging that the petition mentioned vehicle is used to transport big size stones without any valid transit pass. In this connection, the Hon'ble Apex Court in the judgment reported in **2003 SCC (Crl) 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 also considering the fact that keeping the vehicle without maintaining it at the police station or in court premises is not useful to any persons, 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 27 P 1558 is to be handed over to the revision petition 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.5, Coimbatore in C.M.P.No.10776/2025, dated 06-11-2025 is liable to be set aside.

14. Accordingly the order passed by the learned Judicial Magistrate No.5, Coimbatore, in C.M.P.No.10776/2025, dated 06-11-2025 is set aside and this Criminal Revision Petition is allowed and the petition mentioned vehicle bearing Reg.No.TN 27 P 1558 seized by Periyanaickenpalayam Police, Coimbatore in Crime No.268/2025 is ordered to be handed over to the revision petitioner as interim custody on the following conditions;

1. The revision petition 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.5, 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.5, Coimbatore.
4. The revision petitioner shall surrender the original R.C.Book and the learned Judicial Magistrate No.5, Coimbatore, and the learned Judicial Magistrate No.5, 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) She will not alienate the vehicle without obtaining an order from the learned Judicial Magistrate No.5, Coimbatore.

(b) She 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.10776/2025, dated 06-11-2025 passed by the learned Judicial Magistrate No.5, Coimbatore, is hereby set aside and petition mentioned vehicle bearing Reg.No.TN 27 P 1558 is ordered to be returned to the Revision petitioner as interim custody on condition enumerated in paragraph No.14 of the 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 23<sup>rd</sup> 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.5,  
Coimbatore.

**Draft order in**  
C.R.P.No.19/2026  
Dated:23-03-2026.