



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, RAMANATHAPURAM.**

**PRESENT: Thiru. A.K.MEHBUB ALI KHAN, B.L.M, L.L.M.,
PG.D.PM/IR, Dip.in.J.J & J.Psy., PG.D.D.F.,
Principal Sessions Judge, Ramanathapuram.**

Saturday the 07th day of March 2026

**CRIMINAL REVISION PETITION NO.32/2025
(CNR No. TNRM01-003893-2025)**

Nabees, (aged 29),
S/o. Abulkutha,
D.No.12 A,
Kattiyakkara Street,
Ramanathapuram.

... Revision Petitioner/Owner of
vehicle/ 3rd party

/vs/

1) The State,
represented through the
Sub Inspector of Police,
Thiruppullani Police Station,
Ramanathapuram.
Crime No.87/2025

2) The State,
represented through the
Inspector of Police,
CBCID
Crime No.03/2025

... Revision Respondents



This Criminal Revision Petition coming before this Court on 06.03.2026 for final hearing in the presence of Thiru.S.J. Shiek Ibrahim Advocate for the Revision Petitioner and Thiru.B. Karthikeyan, Public Prosecutor and upon hearing the arguments and on perusing the records and having stood over till this date for consideration this Court delivers the following :

ORDER

This Criminal Revision Case is filed by the Revision Petitioner under section 438(2) of B.N.S.S. Act to set aside the order passed in Cr.M.P.No.1206/2025 dated 02.09.2025 on the file of the learned Judicial Magistrate No.1, Ramanathapuram.

2. The respondent police have filed a case against the accused for the offence u/s 103(1), 189(2), 140(2), 296(b), 115(2), 118(1), 238 BNS Act in Crime No.87/2025 by Thiruppullani Police. The revision petitioner is not an accused in this case. The respondent police have seized Hyundai Motor Xcent CRDI Sens IV bearing registration No. TN 12 T 9796 and have produced before the Judicial Magistrate No.1, Ramanathapuram and it was remanded by the Trial Court. The above said vehile belongs to the petitioner. Hence, the revision petitioner had filed a petition in CrI.M.P.No.1206/2025 before the learned Judicial Magistrate No.I,



Ramanathapuram to return the said Hyundai Motor Xcent CRDI vehicle to the petitioner on interim custody. However, the learned Judicial Magistrate No.I, Ramanathapuram, after considering the contentions raised by either side has dismissed the petition on the ground that the original R.C. book, Insurance copy of the revision petitioner are not produced.

Thereafter, the case was transferred to CBCID, Ramanathapuram as per order of the Hon'ble Madurai Bench of Madras High Court in CrI.O.P. (MD) No.11828/2025, dated 17.09.2025 and the case was registered in Crime No. 3/2025, dated 18.10.2025 and the case is pending before Judicial Magistrate-II, Ramanathapuram. Therefore, if the vehicle is kept idle in open place exposed to direct sun light and rain, the parts of the said vehicle will be ruined. The above said four wheeler belongs to the petitioner and the said above four wheeler was borrowed by the accused at the time of commission of offence and he is noway connected with the offence. He further submitted that if the vehicle is handed over to the revision petitioner, he is ready to deposit the original RC Book before the court.

3. Aggrieved by the order of the learned Judicial Magistrate No.1, Ramanathapuram, the Revision Petitioner has preferred this Revision before this Court on the following among other grounds:



4. Grounds of Revision :

The order passed by the learned Judicial Magistrate No.1, Ramanathapuram in Cr.M.P.No.1206/2025 dated 02.09.2025 is not maintainable in law and on facts. The Trial Court has not followed the procedure laid down in Criminal Rules of Practice. Further, the Trial Court has not considered the details of the petition and the documents produced by the revision petitioner. The Trial Court has not considered that the petitioner's vehicle has been falsely included in the case and the said vehicle has been wrongly seized by the said police. The Trial Court has not considered that if the vehicle is kept idle in open place exposed to direct sun light and rain, the parts of the said car will be ruined. Hence, the said order against the petitioner has to be set aside and the said vehicle should be handed over to this Revision Petitioner as he is the original owner. Therefore, he prays to set aside the order passed by the learned Judicial Magistrate No.1, Ramanathapuram and order return of the four wheeler on interim custody.

5. The only point that has to be decided in the present criminal revision petition is:-

- 1) Whether the order passed in Cr.M.P.No.1206/2025 by the learned Judicial Magistrate No.1, Ramanathapuram is liable to be set aside and the property be returned to the petitioner on interim custody?

**6. Point:**

The learned counsel for the revision petitioner contended that the petition was dismissed by the trial court on the ground that the copies of the RC book and Insurance policy of the said vehicle of the petitioner are not produced. The property newly the four wheeler belongs to the revision petitioner and that the vehicle was seized by the respondent on the basis that the vehicle was involved in the commission of an offence by the revision petitioner. The revision petitioner has undertaken that if the revision petition is allowed, he would produce the original R.C.Book & Insurance policy for the said four wheeler. Further, the respondent police has not denied the ownership of the vehicle. Moreover, the vehicle was only used to travel to the accused and it is not directly involved in the offence. Thereby, it is clearly established that the revision petitioner is the owner of the said four wheeler.

7. The prosecution has objected to return the said four wheeler on ground that the case is in a initial stage and if the four wheeler is returned to the petitioner, it would affect the case and also there are chances that petitioner would sell the property. Further, the petitioner has filed a petition to return the four wheeler before the Trial Court. Therefore, the petition filed by the petitioner must be dismissed.



There is no rival claim against the petitioner's four wheeler seized from the him. It is pertinent to note that the Hon'ble Supreme Court in “*Sunderbhai Ambalal Desai. -vs-State of Gujarat*”¹ has categorically held that the properties should not be retained either in the Police Station or in the Court un-necessarily as it would depreciate the value and would cause damages to them. Being the four wheeler, if the four wheeler is unnecessarily kept in the police station, it would be exposed to sun, rain and saline air which would cause damages to the four wheeler. Further, there is no reason to retain the four wheeler without returning it to the owner as it is not directly involved in the offence. Therefore, following the above said decision, this Court is of the considered opinion that the four wheeler be ordered to be returned to the revision petitioner on interim custody with conditions. For the reasons stated above, the order given by the learned Judicial Magistrate No.1, Ramanathapuram in Cr.M.P.No.1206/2025 dated 02.09.2025 deserves interference.

8. In fine, it is held that the Revision Petition be allowed and the order passed by the learned Judicial Magistrate No.1, Ramanathapuram in Cr.M.P.No.1206/2025, dated 02.09.2025 be set aside. The point is answered accordingly.

¹ 2002 Supreme Court (3) SCR 39



In the result, the order passed by the learned Judicial Magistrate No.1, Ramanathapuram in Cr.M.P.No.1206/2025, dated 02.09.2025 is set aside and the Criminal Revision is allowed.

The respondent police is directed to produce the four wheeler bearing registration No. TN-12 T 9796 before the learned Judicial Magistrate No.1, Ramanathapuram immediately.

Upon such production, the learned Judicial Magistrate No.1, Ramanathapuram shall give the interim custody of the four wheeler to the petitioner on the following conditions:-

1. that the petitioner shall execute a bond for a sum of Rs. 2,00,000/- with two sureties for like sum to the satisfaction of the Judicial Magistrate No.1, Ramanathapuram.
- 2 that the petitioner shall take the photographs of the four wheeler from all four sides in the presence of the respondent police and produce the photographs in 8 numbers along with C.D. along with the original RC Book before the learned Judicial Magistrate No.1, Ramanathapuram.
3. that the petitioner is directed not to change the state of the four wheeler.



4. that the petitioner shall produce the four wheeler as and when required by the Court.
5. that the petitioner shall not effect any transfer by way of sale or alienation, mortgage, pledge or hypothecation of the said four wheeler until further orders; and
6. that the petitioner/owner of the four wheeler shall give an undertaking to produce the four wheeler as and when required by the Trial Court.

Dictated to the Steno-typist directly and typed in the Computer by her corrected and pronounced by me in open Court, this the 07th day of March 2026.

Principal Sessions Judge,
Ramanathapuram.

Copy to

The Judicial Magistrate No.1, Ramanathapuram .