



IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI.

PRESENT : **Tmt.K.Arivoli, M.A., M.L.,**

Principal Sessions Judge, Sivagangai.

Thursday, the 12th day of March - 2026

Criminal Revision Petition No.7/2026

(CNR No.TNTV01000333-2026)

Muthumani, (Age 55), S/o.Nagasamy,

Kalathur, Thiruvegampathur Post, Devakottai Taluk, Sivagangai District.

... Revision Petitioner/Petitioner/

3rd Party

-VS-

State through the Inspector of Police,

Algappapuram Police Station,

Crime No.95/2025.

... Revision Respondent/Complainant

This Criminal Revision Case coming before this Court on 09.03.2026 for final hearing in the presence of Thiru.M.Ramprabakar, Advocate for the revision petitioner and Thiru.A.Alagarsamy, Public Prosecutor for the revision respondent and upon hearing the arguments on both side and upon perusing the order of the trial Court, grounds of revision and other material records, 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 and 440 of Bharatiya Nagarik Suraksha Sanhita challenging the order passed by the learned Judicial Magistrate, Karaikudi in



dismissing his petition, which was filed for return of property for interim custody under Sections 499 and 503 of B.N.S.S.

2) Aggrieved by the order of learned Judicial Magistrate, Karaikudi dismissing the petition for return of property for interim custody, the revision petitioner, has preferred this revision based on the following grounds.

i) The petitioner is the owner of the Yamaha MT-15 Bike bearing registration no.TN 63 BS 3771, Engine No.G3N4E0644161, Chassis No.ME1RG6861R0047056 which was seized by the respondent police and there is no connection between this case and owner of the vehicle.

ii) The above said case was registered under Sections 49, 191(2), 191(3), 103(1) of B.N.S Act and the same is pending before the Judicial Magistrate Court, Karaikudi.

iii) The revision petitioner is working as a coolie and the said property is necessary to work of him and his family. If the vehicle is kept idle and exposed to sun and rain, the vehicle will be damaged its value will be diminished and therefore it is prayed that the above vehicle may kindly be returned to the revision petitioner/owner of the vehicle for interim custody.

iv) The petitioner under takes to produce the said vehicle before the trial court as and when required and ready to obey any condition imposed by this court for return of property for interim custody.

v) The revision petitioner will not sell the said vehicle. If the said vehicle is



not returned to the petitioner for interim custody, he will be put into irreparable loss and hardship and therefore the order of the Judicial Magistrate, Karaikudi is liable to be set aside by allowing this revision.

3) The point for consideration in this Criminal Revision petition is :-

Whether the order passed by the learned Judicial Magistrate, Karaikudi in Crl.M.P.No.3108/2025, dated:20.01.2026 has to be revised by allowing the revision?

Answer to the point :-

4) The revision petitioner, who is the owner of the said vehicle has filed this revision challenging the order passed by the learned Judicial Magistrate, Karaikudi in Crl.M.P.No.3108/2025, dated:20.01.2026 in dismissing the petition filed by him u/s.499 and 503 of B.N.S.S., for return of the said vehicle for interim custody.

5) Admittedly, the petitioner is the owner of the said vehicle, which was sought by him for interim custody and the same was seized by the respondent and kept under their custody.

6) It is seen from the order of the Judicial Magistrate, Karaikudi that the petition filed by the revision petitioner for return of the said vehicle for interim custody was dismissed on the ground that the seriousness of the alleged offences, the role of the vehicle in the commission of the crime and the pendency of investigation. This Court is of the view that, if the vehicle is kept idle and



exposed to sun and rain, the vehicle will be damaged its value will be diminished and therefore it is just and necessary to return the said vehicle to petitioner for the interim custody in the interest of justice. It is settled law that owner of the said vehicle would suffer because of its remaining unused and the court should be liberal in allowing the petition seeking for interim custody.

7) In view of the above circumstances, this court finds that the reason stated by the learned Judicial Magistrate, Karaikudi for dismissing the petition for interim custody are not valid and the same is against the settled principle of law laid down by the Hon'ble Apex Court. Therefore, this Court is inclined to allow this revision petition by setting aside order passed by the learned Judicial Magistrate, Karaikudi in Crl.M.P.No.3108/2025, dated:20.01.2026 and thus, this point is answered accordingly.

In the result, this petition is allowed by setting aside the order of the learned Judicial Magistrate, Karaikudi in Crl.M.P.No.3108/2025, dated:20.01.2026 and it is ordered to hand over the Yamaha MT-15 Bike bearing registration no.TN 63 BS 3771, Engine No.G3N4E0644161, Chassis No.ME1RG6861R0047056, as interim custody to the petitioner with the following conditions:-

i) That the revision petitioner is directed to execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the learned Judicial Magistrate, Karaikudi;



(ii) the vehicle shall be photographed in the presence of Head Clerk of the Judicial Magistrate Court, Karaikudi at the cost of the revision petitioner and the signature of the revision petitioner to be obtained in the back side of the photograph and the copy of the photograph with C.D shall be kept in the case bundle;

(iii) the revision petitioner shall not make any alteration or alienate the vehicle in any manner till the disposal of the case;

(iv) the revision petitioner shall produce the vehicle as and when required by the Court;

(v) the revision petitioner shall produce original Registration Certificate pertaining to the vehicle before the Judicial Magistrate Court, Karaikudi.

Dictated by me to the stenographer directly and typed by him into computer, corrected and pronounced by me, in the open court, on this the 12th day of March - 2026.

Principal Sessions Judge,
Sivagangai.

Copy to:-

The Judicial Magistrate, Karaikudi.



PRINCIPAL SESSIONS COURT,
SIVAGANGAI.
Crl.R.P.No.7/2026
Fair / Draft Order
Date: 12.03.2026