



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.9/2026

(CNR No.TNTV01000463-2026)

Sevugamoorthi, S/o.Chandran,

No.277, Devankottai, Sivagangai Taluk, Sivagangai District.

... Revision Petitioner/Petitioner/

Owner of the property

-VS-

State through the Inspector of Police,

Kallal Police Station,

Crime No.236/2025.

... Revision Respondent/Complainant

This Criminal Revision Case coming before this Court on 09.03.2026 for final hearing in the presence of Thiru.S.Valmekanathan, Advocate for the revision petitioner and of 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 497 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 revision petitioner is the deceased owner's son of the TATA HITACHI (POCLAIN) vehicle, 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 3 of TNPPDL Act, 303(2) of B.N.S and 21(4) of Mines and Mineral (Development and Regulation) Act and the same is pending before the Judicial Magistrate Court, Karaikudi.

iii) The said vehicle is a chain-type earth moving machine which cannot be driven on public roads, hence no registration certificate could be obtained for the same. The said vehicle was originally purchased by his father, who has since passed away. The revision petitioner claims to be one of the legal heir of the deceased owner and has stated that the other legal heirs have no objection to the release of the vehicle in his favour and documents to that effect have been produced before this Court.

iv) Moreover, the trial Court has failed to consider that the Judgment passed by the Hon'ble Supreme Court of India in Sundurbhai Ambalai Desai Vs. State of Gujarat (2002) 10 SCC 283 and it is held that while the case is pending



before the trial court, the vehicle is to hand over to the owner as interim.

v) 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.

vi) 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.

vii) 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.15/2026, dated:30.01.2026 has to be revised by allowing the revision?

Answer to the point :-

4) The revision petitioner, who is the deceased owner's son of the said vehicle has filed this revision challenging the order passed by the learned Judicial Magistrate, Karaikudi in Crl.M.P.No.15/2026, dated:30.01.2026 in dismissing the petition filed by him u/s.497 and 503 of B.N.S.S., for return of the



said vehicle for interim custody.

5) Admittedly, the petitioner is the deceased owner's son 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 pendency of the legal heirship dispute and the releasing the seized property in favour of the petitioner as this stage, would not be fair or proper.

7) 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.

8) 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 CrI.M.P.No.15/2026, dated:30.01.2026



and thus, this point is answered accordingly. *Moreover, this order is passed only for interim custody of the vehicle to the revision petitioner and this order will not determine the ownership of the vehicle.*

In the result, this petition is allowed by setting aside the order of the learned Judicial Magistrate, Karaikudi in Crl.M.P.No.15/2026, dated:30.01.2026 and it is ordered to hand over the TATA HITACHI (POCLAIN) vehicle, as interim custody to the revision petitioner with the following conditions:-

i) That the revision petitioner is directed to execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs 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 invoice or any other relevant documents 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.
CrI.R.P.No.9/2026
Fair / Draft Order
Date: 12.03.2026