

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

PRESENT: Thiru.K.H.Elavazhagan, B.Sc., M.L.,
Principal District and Sessions Judge, Thanjavur.

Saturday, the 01st day of August, 2026.
(Thiruvalluvarandu 2057, Sri Parabhava Aandu Aadi Thingal 16th day)

Criminal Revision Petition No.12/2026
CNR No. TNTJ01 – 001565 – 2026

S. Alex, aged 29,
S/o. Sakthivel,
No. 1068, South Street,
Thuvarangurichi, Pattukottai Taluk,
Papanasam Taluk, Thanjavur District. ... Revision Petitioner/Accused/ Owner of
the Property.

versus

State represented by Inspector of Police,
Athirampattinam Police Station,
Crime No. 475/2025. ... Revision Respondent / Complainant

This Criminal Revision Petition coming today (on 01.08.2026) before me for final hearing in the presence of Thiru.K.S.Azhaeshwaran, Advocate for the petitioner and Thiru.R.Madialagan, Public Prosecutor for the respondent and upon hearing the arguments of both sides and on careful perusal of oral and documentary evidence and materials, and having stood over for consideration till date, this Court delivered the following ...

ORDER

(1) This Criminal Revision Petition has been filed by the petitioner under Section 440 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the Order dated 27.11.2025 passed by the Judicial Magistrate, Pattukottai, in Criminal Miscellaneous Petition No. 5258/2025, and consequently, allow the above mentioned criminal revision and pass an order for interim custody of vehicle belonging to the petitioner, Tractor bearing Registration No.TN 82 U 6090, involved in the Crime No.475/2025 of Athirampattinam Police Station.

(2) The facts and circumstances which gives raise to the Criminal revision petition is as follows:

The petitioner/Accused/owner of the property has stated that on 21.09.2025, the respondent police seized the above said Tractor in the case in Cr.No.475/2025 for the offences u/s 303(2) of BNS r/w Section 21(1) of MMDR Act. If the said vehicle is not used for a long time it will lose its condition and utilitarian value. Therefore, he has filed this application seeking to hand over the said vehicle to the petitioner. Further, he states that if the Court grants interim custody of the vehicle to the petitioner, he will keep the same without any alteration and will produce the same before this Court as and when required by the Court. Therefore, he prays to pass an order for the interim custody of the Tractor bearing Registration No.TN 82 U 6090, The prosecution has objected to allow the petition.

3) After hearing the arguments of both sides, the learned Judicial Magistrate, Pattukottai had dismissed the petition by stating the reason that the investigation is pending.

4) Having been aggrieved by the said Order passed by the Learned the Judicial Magistrate, Pattukottai, the revision petitioner/Accused / owner of the vehicle has preferred this revision, on the following grounds:

4.1) The learned Judicial Magistrate failed to appreciate that the revision petitioner is the registered owner of the Tractor bearing Registration No. TN 82 U 6090, and is entitled to interim custody of the vehicle.

4.2) The Learned the Judicial Magistrate, Pattukottai has failed to consider the fact that if the vehicle is in the respondent police station, it would be affected by rain, sun light and natural calamities. Further, the revision petitioner undertakes that in future, the above said vehicle would not be involved in the same offence or any other offences.

4.3) If the vehicle is handed over to the revision petitioner, he would not alienate or sell the above said vehicle. Hence, prays to allow this revision petition.

(5) The Point that arises for consideration in this revision petition is that:

Whether this criminal revision petition can be allowed or not ?

Answering to the point No.1:

6) I have perused the materials on record. The revision petitioner is the petitioner/Accused / owner of the property and the respondent is the respondent before the trial court. The petitioner/Accused/ owner of the vehicle has filed the petition before the trial court to pass an Order granting interim custody of the Tractor.

(7) The learned Judicial Magistrate, Pattukottai has taken the petition on file in CrI.M.P.No.5258/2025. The learned Judicial Magistrate, Pattukottai has perused the averments made in the petition and objection and upon perusal of the records has dismissed the petition in CrI.M.P.No.5258/2025 on 27.11.2025. Aggrieved by the above said order, the petitioner/Accused/ owner of the property has preferred this revision before this Court.

(8) The revision petitioner / Accused / owner of the property has contended that if the vehicle is in the respondent police station, it would be affected by rain, sunlight and natural calamities. Further, the revision petitioner contended that in future, the above said vehicle would not be involved in the same offence or any other offences and if the vehicle is handed over to the revision petitioner, he would not alienate or sell the above said vehicle and ready to abide any conditions imposed by this Court.

(9) The Learned Public Prosecutor has contended that the confiscation proceedings has not initiated before this Court. He further contended that if the

vehicle is handed over to the petitioner, he would not produce the same whenever required by the Court and hence, he prayed to dismiss the petition.

(10) This Court has carefully considered the rival submissions and perused the entire materials available on record. The learned Judicial Magistrate, Pattukottai dismissed the petition for interim custody on the ground that the investigation is pending.

((11) At this juncture, this Court relied upon the **G.O.MS.No.170 dated 05.08.2020 of Industries (MMC.2) Department**, wherein it is stated as:

The Division Bench of the Hon'ble Madurai Bench of Madras

High Court finally issued the following directions:

.....

(xvi) Any application for release of vehicle etc., can only be filed before the Special Court alone.

(12) In view of the above direction issued by the Hon'ble Madurai Bench of the Madras High Court, this Court is of the considered view that the reasoning assigned by the learned Judicial Magistrate is not legally sustainable. The present case is triable by the Special Court constituted under the relevant special enactment. Therefore, any petition seeking interim custody or release of the vehicle, as well as any confiscation proceedings relating to the vehicle, ought to be placed before the

Special Court and not before the committal Court. Consequently, the finding of the learned Judicial Magistrate is not legally sustainable.

(13) In the present case, the vehicle is alleged to have been involved in the commission of offences under Section 303(2) of BNS r/w Section 21(1) of MMDR Act. . It is seen that the respondent police has not initiated confiscation proceedings before the Special Court and such proceedings ought to have been initiated before the Special Court. Therefore, this Court is of the view that in the interest of justice, the vehicle is ordered to be retained in the custody of the respondent until the Special Court considers the issue in accordance with law.

(14) Accordingly, this Court holds that the reasoning assigned by the learned Judicial Magistrate with regard to the interim custody of the vehicle is not legally sustainable, since such proceedings ought to have been initiated before the Special Court and not before the committal Court. However, in view of the specific direction issued by the Hon'ble Madurai Bench of the Madras High Court that any application seeking release of a vehicle shall be filed only before the Special Court, this Court is of the considered view that the revision petitioner has to approach the jurisdictional Special Court for seeking interim custody of the vehicle. Therefore, this Criminal Revision Petition is liable to be dismissed. Thus, the Point is answered accordingly.

In the result, this Criminal Revision Petition is dismissed.

This Order is dictated to the Stenographer Grade – III of this Court, typed by her in computer directly, corrected and pronounced by me in the open Court, on this 01th day of August, 2026.

Principal District and Sessions Judge,
Thanjavur.

Copy to:

- (i) The Judicial Magistrate, Pattukottai.

Draft / Fair / Copy Order in
Crl. Rev. Petition No. 12/2026
Prl. Sessions Court, Thanjavur.
Date of Order: 01.08.2026