



State of Tamilnadu  
In the Court of Sessions, Tenkasi Division  
Before the Principal Sessions Judge, Tenkasi.  
**PRESENT: THIRU. B.RAJAVEL, B.SC.,B.L.,**  
**Principal Sessions Judge, Tenkasi**  
**Friday the 27<sup>th</sup> day of March 2026**  
**Criminal Revision Case Number 7/2026**  
(CNR No. TNTS 010011322026)

Vinith, S/o Esakkimuthu

.....Revision Petitioner/Owner of the  
vehicle.

/Vs/

State: Inspector of Police,  
Panavadalichatram Police Station,  
Cr.No. 19/2026

...Respondent/Complainant

This Criminal Revision Case has finally come before this Court on 27.03.2026 in the presence of Thiru.E.Manmathan, Advocate for the Revision Petitioner and Thiru.M.P.K.Maruthappan, Public Prosecutor for the Respondent and on hearing the arguments of both sides and upon perusing the records, and having stood over till this day for consideration, this court passed the following

### **ORDER**

This Criminal Revision Case has been filed by the Revision Petitioner u/s 438(1) BNSS against the order passed by the learned Judicial Magistrate, Sankarankovil in Cr.M.P.No.206/2026 in Cr.No.19/2026 of Panavadalichatram P.S. dt.12/02/2026 wherein Petition u/s 497 & 503 of BNSS filed by the Revision

Petitioner for the return of case property namely Yamaha two wheeler bearing registration number T.N.79 M 0011, which was dismissed.

**2) Briefly stated averments in the Petition filed by the Criminal Revision Petitioner/Petitioner in Cr.M.P.No.206/2026 in Panavadalichatram P.S.Cr.No. 19/2026 of Judicial Magistrate Court, Sankarankovil:**

The petitioner is owner of the Yamaha two wheeler bearing registration number T.N.79 M 0011 and it stands in the name of the petitioner. The respondent has registered a case for the offences under Sections 8(c), 20(B) (ii) NDPS Act r/w 77 J.J. Act. The FIR is pending before the Judicial Magistrate Court, Sankarankovil. The property was remanded before the Judicial Magistrate Court, Sankarankovil in P.R.No.98/2026. The vehicle was no way connected with the occurrence. The petitioner is in need of his vehicle for his daily avocation. If the petition is not allowed, the petitioner will be put into irreparable loss. Hence the petition.

3) The learned Assistant Public Prosecutor has objected that if the property will be handed over to the petitioner as interim custody, he will alter the same and there is a chance to sell the same and prays to dismiss the petition.

4) The Lower Court after hearing both sides dismissed the petition. Aggrieved by the order of the learned Judicial Magistrate, Sankarankovil, the Revision Petitioner has preferred this Criminal Revision Case before this Court on the basis of following grounds:

**5) Briefly stated averments in the Memorandum of Criminal Revision Petition are as follows:**

Order passed by the trial court is not sustainable either in law or in fact. The above said vehicle is under the custody of the respondent P.S. and it is parked in open yard under sunrays and rains. The Revision Petitioner requires the vehicle for his daily works. Hence, this Criminal Revision is to be allowed by setting aside the order passed by the learned Judicial Magistrate, Sankarankovil on 12/02/2026 in Cr.M.P.No.206/2026 in Cr.No.19/2026 of Panavadalichatram P.S.

6. The learned Public Prosecutor has objected that the above said vehicle was remanded before the Judicial Magistrate Court, Sankarankovil in P.R.No.98/2026 and it is currently under the custody of Panavadalichatram Police Station. If the above said vehicle is returned to the petitioner as interim custody, he will commit the same offence again and there is a chance to sell or alter the vehicle. Hence, this revision petition has to be dismissed.

7. Now the Point for consideration is whether the Criminal Revision is to be allowed? or not?

**8. Point:** The Learned Counsel for the Revision Petitioner would submit that the petitioner is the owner of the Yamaha two wheeler bearing registration number T.N.79 M 0011, which was seized by the respondent police and the same was remanded by the concerned Judicial Magistrate in P.R.No.98/2026. Further he would

submit that, if the vehicle is parked in open place in rain and sunlight continuously, the vehicle will be ruined and damaged and its market value will be diminished, and hence the Revision petitioner has come forward with this petition seeking to return his vehicle as on interim custody, otherwise he will be put into irreparable loss and hardship, and if the vehicle is returned to the petitioner as interim custody, he will obey the condition imposed by this court and prayed to allow this Criminal Revision.

9. On the other hand, the learned Public Prosecutor would contend that the above said vehicle was remanded before the Judicial Magistrate Court, Sankarankovil in P.R.No.98/2026 and it is currently under the custody of Panavadalichatram Police Station. If the above said vehicle is returned to the petitioner as interim custody, he will commit the same offence again and there is a chance to sell or alter the vehicle. Hence, this revision petition has to be dismissed.

10. After taking into consideration of the both sides learned counsels arguments and on perusal of the case records, now this court is to decide that whether the petitioner's contention is acceptable one.

11. This court has gone through the case records and it finds that the offending vehicle is parked in open place without any maintenance. In these circumstances if this vehicle is parked in open place, there may be a possibility to cause heavy damage and loss to the vehicle. Further, the said vehicle is parked in open place and there may be a possibility to cause ruin to the body of the vehicle due to rain and sunlight. Further more, without using the vehicle in long period, it will cause to

damage to the parts of the vehicle and engine of the vehicle. It is viewed that, the vehicle may be handed over to the petitioner as an interim custody in a safer side.

12. On perusal of copy of Registration Certificate, it reveals that the vehicle stands in the name of the petitioner. Further it is not possible to commence the trial proceedings in near future. Further this Court viewed that, if the vehicle is handed over to the petitioner as interim custody, no prejudice will be caused to the respondent police. The above said principle is laid down in '*2002 Supreme Court (3) SCR 39' in case Sunderbhal Ambalal Desai....Petitioner-vs-State of Gujarat ...Respondent'*. The above said case law is applicable in the present facts of the case. The above all aspects are considered by this court and this court is inclined to return the petition mentioned vehicle to the petitioner as interim custody under proper undertaking and acknowledgment.

13. In the result, this Criminal Revision petition is allowed and Yamaha two wheeler bearing registration number T.N.79 M 0011 in Cr. No.19 of 2026 of Panavadalichatram P.S is ordered to return as interim custody to the Criminal Revision petitioner with the following conditions:-

1. that the Criminal Revision petitioner shall execute a personal bond for a like sum of Rs.50,000/- (Rupees Fifty Thousands only) along with one solvent surety for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarankovil.
2. that the Criminal Revision petitioner shall deposit a sum of **Rs.10,000/-** to the credit of Crime No.19 of 2026 of Panavadalichatram P.S before the Judicial Magistrate Court, Sankarankovil without prejudice to his rights and contentions before the trial Court.
3. that the Criminal Revision petitioner shall deposit the R.C. Book original of the vehicle on the file of concerned Judicial Magistrate

court with direction to apply for and get it back for the purpose of payment of tax and renewal on obtaining appropriate orders from the concerned court and to reproduce the same within the time specified by the concerned Judicial Magistrate court;

4. that the vehicle shall be photographed in the presence of Head Clerk of the Judicial Magistrate Court concerned under a mahazar at the cost of the petitioner and the petitioner's signature to be obtained in the backside of each photographs and copy of photograph, C.D., shall be kept in the case bundle;
5. that the Criminal Revision petitioner shall not effect any change or alteration in the physical features of the vehicle without the permission of the court;
6. that the Criminal Revision petitioner shall not effect any transfer by way of sale or alienation, mortgage, pledge or hypothecation of the said vehicle until further orders; and
7. that the petitioner shall produce the vehicle as and when directed by the trial court.

Dictated to the steno-typist, directly typed by him in computer, corrected and pronounced by me, this the 27<sup>th</sup> day of March 2026.

PRINCIPAL SESSIONS JUDGE,  
TENKASI.

Copy to  
The Judicial Magistrate, Sankarankovil.