

**IN THE COURT OF THE PRINCIPAL JUDGE,
CITY CIVIL COURT AT CHENNAI**

Present: Thiru S. Karthikeyan, M.A., M.L., M.Sc., P.G.D.C.F.Sc., P.G.D.D.F.,

Principal Sessions Judge

Friday, the 27th day of March, 2026

Criminal RC.No. 123/ 2025

against

CrI.MP.No. 16347 / 2025

in

Crime No. 347 / 2025

(on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai)

A. Syed Danish,

... Petitioner/ Defacto complainant

-Vs-

1. The State Rep.by

The Inspector of Police, (Crime)

F-4, Thousand Lights Police Station,

Chennai

... 1st respondent / complainant

2. Mohammed Faris

S/o. Mohammed Puthan,

Maliyekkal House, Kuttikad,

Near ITC Ponnani, Ponnani,

Malapuram, Kerala.

... 2nd Respondent/ Accused no.1

This Criminal Revision petition came up before this court on 18.03.2026 for final hearing in the presence of M/s.S.Karthik, S.Arunkumar, S. Sarathkumar,

counsel for the petitioner and of CPP for 1st respondent and M/s. R.Muthukumar, R.Lingakumar, V.Karthick, H.Meeran Mohideen, J.Deva, S.Vimala, P. Lokeshkannan, the counsel for the 2nd respondent/Accused and upon hearing both sides and upon perusing the case-records and having stood over for consideration till this date, this court delivered the following :-

ORDER

1. This revision is filed by the defacto complainant in F-4 P.S. Cr.No. 347/2025, challenging the order passed by the learned XIV Metropolitan Magistrate in CrI.M.P.No.16347/2025 dated 08.12.2025.

2. The circumstances, which lead to file the present revision, are as follows:

Based on the complaint given by the petitioner herein the case in Crime No.347/2025 was registered for the offences punishable u/s. 306 of BNS by the 1st respondent police as against the 2nd respondent and other Accused. In this connection, a sum of Rs. 1,53,000/-, one Mahindra Thar vehicle and eight mobile phones were recovered from the Accused. The 2nd respondent were granted bail by this court on certain conditions including one that the Accused shall deposit the sum of Rs. 10 Lakhs. So after the bail, the 2nd respondent has filed the petition in CrI.M.P.No. 16347/2025 seeking for return of Mahindra Thar Car. Since the Accused did not deposit the money as per the bail condition, the defacto complainant/petitioner herein has moved a Bail Cancellation Petition in CrI.M.P.No. 16512/2025 before the learned XIV Metropolitan Magistrate and the case was posted for 1st

hearing on 15.12.2025. On 08.12.2025, the petitioner came to know about the petition filed by the 2nd respondent for return of property and therefore, appeared and sought time for filing objection in returning the property seized. Though, the learned Magistrate has orally accepted the submissions and recorded their submissions, however, the Magistrate has directed only to return of the Car and not mobile phone. Therefore, the defacto complainant is under the impression that his objections were taken note of. However, subsequently, on verification it is found that the trial court has modified the said order without any notice and uploaded it on the e-court.

3. Aggrieved by the said order, the revision petitioner has filed the present petition before this court on the following grounds:

(i) The copy uploaded by the learned XIV Metropolitan Magistrate court granted order only for returning the car to the Accused. However, that 1st order was deleted and subsequent order was passed as if granting return of property for both mobile and car.

(ii) The learned XIV Metropolitan Magistrate failed to note the objections made by the appellant counsel in his order copy.

(iii) The learned XIV Metropolitan Magistrate failed to note that if the mobile phone is returned to the Accused, there is every possibility that he may delete the entire proof, records and evidences from the phone.

(iv) The reason assigned by the learned Magistrate while granting the order is neither maintainable in law nor on facts and is liable to be set aside. The petitioner may be permitted to raise additional grounds at the time of submitting oral arguments.

Therefore, it is prayed to set aside the order of dated 08.12.2025 passed by the XIV Metropolitan Magistrate, Egmore, Chennai in Crl.MP.No. 16347/2025 and further or other orders.

4. In this revision, notice was issued to the respondents. R1 represented by CPP and R2 represented by his counsel. Since certain allegations were levelled against the XIV Metropolitan Magistrate, this court has called for remarks. Remarks received and perused. Trial Courts records are called for and perused.

5. Point for determination is

Whether the order passed by the Metropolitan Magistrate in returning the property to the custody of the petitioner is to be sustained or not?

6. ANSWER:

6.1. The learned counsel for the petitioner submitted that the petitioner/defacto complainant had given no objection for grant of bail considering the commitment made before this court by the Accused that they would pay a sum of Rs. 10 Lakhs and a sum of Rs.6,50,000/- was agreed to pay immediately. The mother of the A1 approached this petitioner and pleaded for similar consideration and offered to settle a sum of Rs. 15 Lakhs and paid a sum of Rs. 5 Lakhs as advance and undertakes to pay the next installment of Rs. 5 Lakhs by evening and the final installments will be paid at the time of filing a compromise quash petition. Considering the said settlement, the defacto complainant has given no objection to grant of bail for A1.

6.2. However, after released on bail, the 1st Accused has failed to fulfill his commitment. Therefore, the petitioner has approached the trial court for cancellation of bail. At that time, the petitioner came to know about the petition seeking for custody of the Car and mobile phone. The counsel prayed for time to make their objections. However, the trial court has said that their objections will be taken note of. Accordingly, Car is ordered to be returned to the custody and considering the submissions of the learned counsel for the defacto complainant, the trial court declined to hand over the custody of the mobile phone as it was needed for proving the offences of the case. Accordingly, the initial order uploaded in the E-Court directing only the return of Car and subsequently, for some reasons, the said order was modified and both Car and mobile phone were given custody. Therefore, the learned counsel for the petitioner prays for interfere with the orders of the learned Magistrate.

6.3. At the time of moving Stay petition, the petitioner has produced both the orders. Considering the same, this court has granted Stay. This court has called for remarks from the trial court to explain the circumstances in which the alleged two orders were uploaded. The learned XIV Metropolitan Magistrate submitted its remarks stating that at the time of enquiry in CrI.MP.No. 16347/2025, the defacto complainant's counsel appeared and made an objection not to return the four wheeler stating the reason that A1 has not settled the admitted amount. Though, the defacto complainant has not party in CrI.MP.No. 16347/2025, the Magistrate is inclined to

hear the objections raised by the defacto complainant and stated additional conditions imposed to deposit the RC book in Reg.No. KL – 55-AE-1130. Accordingly, the said conditions was imposed by the order.

6.4. The learned magistrate has further submitted that the defacto complainant did not raise any objection regarding the return of cell phone. Further, the prosecution has also does not raise any objection and therefore, the CrI.MP was allowed and both the car and mobile were ordered to be returned to the custody. By over sight, the cell phone was not mentioned in the order copy by the Steno, and when it was brought to the notice of the court, immediately, the said order was rectified and uploaded. According to the learned Magistrate, it is only a typographical error which was later rectified.

6.5. From the above remarks from the learned Magistrate, it is clear that the discrepancy alleged by the petitioner is nothing but typographical error which was rectified. The petitioner is not the party to the petition. In the revision, even though a third party can challenge the order passed by the sub ordinates court on the ground of irregularity, illegality or impropriety, no illegality or impropriety is alleged against the presiding officer. The irregularity alleged is nothing but a typographical error and not a material errors. Therefore, this court found no merits in the present revision. Accordingly, this revision petition is dismissed.

7. Result:

In the result, this revision petition is dismissed and the order of the learned XIV Metropolitan Magistrate in CrI.M.P.No.16347/2025 dated 08.12.2025 is hereby confirmed.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court, this the 27th day of March, 2026.

**Principal Sessions Judge.
Chennai**