



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO. 329 OF 2026

(397(Cr.PC) / 438(BNSS))

BETWEEN:

MR MOHAMEED SADIQUE
S/O ABDUL HAMEED,
AGED ABOUT 49 YEARS,
R/O 1-116(58)/3, SHAYAAN MANZIL,
PUNARVASANTI COLONY, KOLAMBE,
BAJPE, D.K., MANGALURU.

...PETITIONER

(BY SRI. RAKESH KINI., ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER AND
DIVISIONAL MAGISTRATE
MANGALURU SUB-DIVISION,
MANGALURU, D.K.
2. THE STATE OF KARNATAKA,
BY MANGALORE EAST POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU.

...RESPONDENTS

(BY SRI. K.NAGESHWARAPPA, HCGP)

Digitally signed
by P. MANJUNATHA
Location:
HIGH COURT
OF
KARNATAKA



THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC (FILED U/S 438 R/W 442 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE JUDGMENT AND ORDER DATED 06.01.2026 PASSED IN CRL.A. NO.330/2025; AND MODIFY THE ORDER DATED 28.04.2025 PASSED IN MGSCR NO.19/2025 BY DIRECTING RELEASE OF VEHICLE BEARING REG. NO. KA-19-HT-2904 TO THE PETITIONER ON EXECUTION OF INDEMNITY BOND AND SURETY BOND, WITHOUT INSISTING ON BANK GUARANTEE.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri. Rakesh Kini, learned counsel for the revision petitioner and Sri. K. Nageshwarappa, learned High Court Government Pleader.
2. Petitioner has filed the present revision petition seeking modification of the condition of furnishing the bank guarantee by the Assistant Commissioner in Case No.MGSCR No.19/2025 which Order was confirmed by the



learned District Judge, Mangaluru in Criminal Appeal No.330/2025.

3. Facts in the nutshell which are utmost necessary for disposal of the present petition are as under :

3.1 In respect of a Crime No.27/2025, a Honda Activa two wheeler was seized by the jurisdictional police in PF No.29/2025 on the ground that illegally slaughtered cow, meat and other ancillary materials were being transported on the said vehicle.

3.2 Interim custody of the vehicle was sought for before the Assistant Commissioner to deal with the property seized under the Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020 (hereinafter referred to as 'the Act' for short).

3.3 After hearing the concerned, learned Assistant Commissioner passed an order imposing few conditions and ordered interim custody. One such condition was to furnish the bank guarantee to the value of the seized



vehicle. Condition was sought to be modified by filing an appeal in Crl. Appeal No.330/2025.

3.4 Learned Judge in the First Appellate Court after securing the records heard the arguments of the parties and did not accept the contentions raised on behalf of the revision petitioner.

3.5 Learned Judge in the First Appellate Court also noted the principles of law enunciated in the case of ***State of Karnataka versus K. Krishnan*** reported in ***AIR 2000 SC 2729*** and noted that while passing the interim custody of a seized vehicle, Court has got discretion to impose suitable conditions and such conditions cannot be varied or modified.

3.6 Taking note of these aspects of the matter, the Appeal came to be dismissed.

4. Thereafter, the petitioner is before this Court in this criminal revision petition.



5. Sri Rakesh Kini, learned counsel for the revision petitioner, reiterating the grounds urged in the revision petition, would vehemently contend that this Court has got ample power in modifying the conditions and therefore sought for along the revision petition.

6. He would further contend that the petitioner is a poor person and is unable to furnish the bank guarantee and therefore condition with regard to furnishing the bank guarantee needs to be modified and sought for allowing the revision petition to that extent.

7. Per contra, Sri K. Nageshwarappa, learned High Court Government Pleader would support the Order passed by the Assistant Commissioner as well as learned Judge in the First Appellate Court by contending that admittedly vehicle was seized in connection with the offence punishable under 'the Act'.

8. Therefore, seizure of the vehicle is just and proper and interim custody as sought for is also given by the



Assistant Commissioner with conditions in his discretion by imposing conditions which needs no modification and sought for dismissal of the revision petition.

9. Having heard the arguments of both sides, this Court perused the material on record meticulously.

10. On such perusal of the material on record, there is no dispute that the vehicle in question was seized in respect of the Crime No.27/2025. Assistant Commissioner being the Executive Magistrate, is entitled to deal with the seized property. Thus, he entertained the prayer of petitioner seeking interim custody of the vehicle in question by imposing few conditions by exercising his discretionary power.

11. Condition with regard to furnishing the bank guarantee was sought to be modified by filing an appeal under Section 10 of 'the Act'.

12. Learned Judge in the First Appellate Court while discussing the material on record noted that conditions



seeking release of interim custody of the seized vehicle were imposed by the Executive Magistrate by exercising discretionary power which needs no intervention and therefore dismissed the appeal.

13. This Court being the revisional Court, is required to find out whether any patent error has occurred while passing the impugned order or there is any improper exercise of jurisdictional power.

14. Learned judge in the First Appellate Court, after referring to the principles of law enunciated by the Hon'ble Apex Court in the case of ***State of Karnataka versus Krishnan*** supra, noted that condition imposed by the Executive Magistrate is just and proper having regard to the attendant facts and circumstances of the case.

15. Thus, this Court did not find any grounds whatsoever, much less good grounds to interfere with the Order of the Trial Magistrate confirmed by the First Appellate Court.



16. Accordingly, the following order:

ORDER

Criminal Revision Petition is ***dismissed***.

**Sd/-
(V SRISHANANDA)
JUDGE**

SNC
List No.: 1 Sl No.: 49