WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 05.10.2026

DELIVERED ON: 16.10.2026

CORAM

THE HON'BLE MR.JUSTICE B.MURUGESAN

CRL RC(MD) No. 1472 of 2026

CNR:{HCMD011200232026}

Vignesh

..Petitioner

Vs

State Of Tamilnadu Rep By Sub Inspector Of Police,
Fort
Fort Police Station,
Trichy District.
(Crime No. 168 of 2026)

..Respondent

PRAYER: Criminal Revision filed under Section 438 r/w 442 BNSS to call for the records and SET ASIDE the impugned order passed in C.M.P.No.7998 of 2026 on the file of the Judicial Magistrate No.1, Tiruchirappalli dated 12.08.2026 and allow the Criminal Revision Petition and thus render justice.

For Petitioner: M/s. R. Sangeetha

For Respondent: Mrs.V.Moushica,
Counsel for State of TN(Crl.side)

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

Heard and admitted.

02. With the consent of both parties, this criminal revision was taken up for final hearing on 05.10.2026.

03. Claiming an order setting aside the dismissal order dated 12.08.2026 of the Judicial Magistrate No.I, Tiruchirappalli, hereinafter referred to as 'the trial court' for the sake of brevity, passed in C.M.P No.7998/2026, an application filed by the revision petitioner/petitioner/accused under S.497 r/w S.503 BNSS for an order granting him interim custody of a vehicle, Kia Carens Clavis Car, bearing registration number TN 68 AT 1372 (Engine No.D4FASM548042 and Chassis No.MZBGB813LSN), and two mobile phones, iPhone 16 Plus and One Plus Nord 2T 5G, the properties in RP No.106/2026 involved in Cr No.168/2026 under S.420 IPC, on the file of Fort Crime Police Station, Tiruchirappalli Town, the revision petitioner/ petitioner/ accused has filed this Criminal Revision Petition under S.438 BNSS.

https://www.mhc.tn.gov.in/judis

WEB COPY

04. For the sake of convenience, the parties are referred hereunder according to their litigative status and ranking in this criminal revision, 'the revision petitioner' and 'the revision respondent', unless the context otherwise requires.

05. Sans minute details, the case of the revision petitioner in the trial court is that a vehicle, Kia Carens Clavis Car, bearing registration number TN 68 AT 1372 (Engine No.D4FASM548042 and Chassis No.MZBGB813LSN), and two mobile phones, iPhone 16 Plus and One Plus Nord 2T 5G, are said to have involved in Cr No.168/2026 under S.420 IPC on the file of Fort Crime Police Station, that in pursuance of such registration of the criminal case, the aforesaid properties have been seized by the respondent police, that the aforesaid properties are now in the interim custody of the respondent police but without proper care or maintenance, that the aforesaid properties, if left idle without proper maintenance, would become useless and ruined and that therefore, the interim custody of the aforesaid properties needs to be granted to the revision petitioner being the owner thereof.

06. Bereft of unnecessary details, the case of the revision respondent in the trial court is that the investigation is still pending,

https://www.mhc.tn.gov.in/judis

WEB COPY

that if the properties concerned are returned to the revision petitioner, they would be used for the commission of similar offence or they might be sold by the revision petitioner and that therefore, this criminal miscellaneous petition seeking such interim custody of the properties concerned deserves for dismissal.

07. Neither the revision petitioner nor the revision respondent has chosen to lead any evidence, either oral or documentary, before the trial court.

08. On enquiry, the trial court has dismissed the criminal miscellaneous petition in Crl MP No.7998/2026 on the finding that if the properties concerned are returned to the revision petitioner, they would be used for the commission of similar offence or they might be sold by the revision petitioner.

09. Learned counsel for the revision petitioner would submit that the dismissal of the claim of interim custody of the properties is not only against law but also against the settled principles on such grant of interim custody of the properties, that the trial court, without due application of its judicial mind, has simply accepted the objections

https://www.mhc.tn.gov.in/judis

WEB COPY

raised by the revision respondent and thereby dismissed the criminal miscellaneous petition in mechanical manner, that therefore, the order of the trial court is obviously liable to be interfered with and that therefore, this criminal revision petition, in the interest of justice, needs to be allowed, setting aside the order of the trial court and thereby granting the interim custody of the properties concerned.

10. Learned counsel for the State (Crl Side) appearing for the revision respondent would submit that this is a case where the petitioner is alleged to have cheated several persons by promising employment abroad, that the investigation has disclosed further complaints of similar in nature, that the properties, particularly, the mobile phones, would have played a vital role in the offence concerned, that the mobiles phones are required for scientific analysis, that if the properties concerned are returned to the revision petitioner, they would be used for the commission of similar offence or they might be sold by the revision petitioner, that therefore, the order of the trial court is lawful and perfect and that therefore, this criminal revision petition deserves for dismissal *in limine*.

11. Heard both sides, and perused all material records.

https://www.mhc.tn.gov.in/judis

WEB COPY

12. On careful consideration of the criminal revision petition filed by the revision petitioner, the counter filed by the revision respondent, the related material records and the submissions made on both sides, this court formulates the following point for determination:

> Whether the revision petitioner is entitled to get such order setting aside the dismissal order dated 12.08.2026 of the Judicial Magistrate No.I, Tiruchirappalli, passed in Crl MP No.7998/2026, an application filed by the revision petitioner/petitioner/accused under S.497 r/w S.503 BNSS for an order granting him interim custody of a vehicle, Kia Carens Clavis Car, bearing registration number TN 68 AT 1372 (Engine No.D4FASM548042 and Chassis No.MZBGB813LSN), and two mobile phones, iPhone 16 Plus and One Plus Nord 2T 5G, the properties in RP No.106/2026 involved in Cr No.168/2026 under S.420 IPC on the file of Fort Crime Police Station, Tiruchirappalli Town, as prayed for?

13. The Point

(1) S.497 BNSS deals *inter alia* with the custody of the property, produced before a criminal court, pending investigation, inquiry or trial. S.498 BNSS deals *inter alia* with the delivery of the property, produced before a criminal court, at the conclusion of investigation,

https://www.mhc.tn.gov.in/judis

WEB COPY

inquiry or trial. S.503 BNSS deals *inter alia* with the delivery of the property, *not produced* before a criminal court.

(2) S.497 BNSS would read as under:

> 497. Order for custody and disposal of property pending trial in certain cases.
>
> (1) When any property is produced before any Criminal Court or the Magistrate empowered to take cognizance or commit the case for trial during any investigation, inquiry or trial, the Court or the Magistrate may make such order as it thinks fit for the proper custody of such property pending the conclusion of the investigation, inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court or the Magistrate may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.
>
> Explanation.-For the purposes of this section, "property" includes-(a) property of any kind or document which is produced before the Court or which is in its custody;
>
> (b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.
>
> (2) The Court or the Magistrate shall, within a period of fourteen days from the production of the property referred to in sub-section (1) before it, prepare a statement of such property containing its description in such form and

https://www.mhc.tn.gov.in/judis

WEB COPY

manner as the State Government may, by rules, provide.

(3) The Court or the Magistrate shall cause to be taken the photograph and if necessary, videograph on mobile phone or any electronic media, of the property referred to in sub-section (1).

(4)The statement prepared under sub-section (2) and the photograph or the videography taken under sub-section (3) shall be used as evidence in any inquiry, trial or other proceeding under the Sanhita.

(5) The Court or the Magistrate shall, within a period of thirty days after the statement has been prepared under sub-section (2) and the photograph or the videography has been taken under sub-section (3), order the disposal, destruction, confiscation or delivery of the property in the manner specified hereinafter.

(3) S.498 BNSS (relevant provisions thereof) would read as under:

498. Order for disposal of property at conclusion of trial.

(1)When an investigation, inquiry or trial in any criminal case is concluded, the Court or the Magistrate may make such order as it thinks fit for the disposal, by destruction, confiscation or delivery to any person claiming to be entitled to possession thereof or otherwise, of any property or document produced before it or in its custody, or regarding which any offence appears to have been committed, or which has been used for the

https://www.mhc.tn.gov.in/judis

WEB COPY

commission of any offence.

(2)An order may be made under sub-section (1) for the delivery of any property to any person claiming to be entitled to the possession thereof, without any condition or on condition that he executes a bond, with or without securities, to the satisfaction of the Court or the Magistrate, engaging to restore such property to the Court if the order made under sub-section (1) is modified or set aside on appeal or revision.

……..

……..

(4) S.503 BNSS (relevant provision thereof) would read as under:

503. Procedure by police upon seizure of property.

(1)Whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Sanhita, and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property.

……

(5) Therefore, it is clear that S.497, S.498 and S.503 BNSS deal with the custody or delivery, as the case may be, of the property

https://www.mhc.tn.gov.in/judis

WEB COPY

involved in a criminal case, and such claim of custody or delivery can be made by a person entitled to the possession thereof.

(6) One vehicle and two mobile phones are said to have involved in this case on hand and accordingly, the aforesaid properties have been seized by the police.

(7) On careful study on the order dated 12.08.2026 of the trial court passed in Crl MP No.7998/2026, this court finds that the trial court has dismissed the aforesaid application filed under S.497 BNSS on the ground that if the properties concerned are returned to the revision petitioner, they would be used for the commission of similar offence or they might be sold by the revision petitioner.

(8) With regard to the mobile phones, a serious objection has been raised on the side of the revision respondent to the effect that the mobiles phones are required for scientific analysis. Therefore, this court is concerned with interim custody of the vehicle only.

https://www.mhc.tn.gov.in/judis

WEB COPY

(9) At this juncture, this court would like to refer to the decision of Hon'ble Supreme Court in **Sunderbhai Ambalal Desai V State of Gujarat ((2002) 10 SCC 283)** and the relevant portion thereof would read as under:

> '**17**. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.'

(10) **Selvam V State by Inspector of Police (2012 (1) MWN (Cr) 288)** is also a case where this court, while dealing with the return of a vehicle to the claimant/accused, has held as under:

> '**6**……, it would be seen that in directing return of vehicles, even to Accused persons, in the manner contemplated in the decisions of the Apex Court of Sunderbhai Ambalal Desai V State of Gujarat, 2003 (1) CTC 175 and General Insurance Council and others V State of Andhra Pradesh and others, 2010 (6) SCC 768, no trampling of powers bestowed upon the trial Courts under Section 452 CrPC is involved. Therefore, it would be fit and proper to deal with applications seeking

https://www.mhc.tn.gov.in/judis

WEB COPY

return of vehicles without being clouded with the vision of the claimant being an Accused.'

(11) Incidentally, this court would like to refer to the recent decision of the Hon'ble Supreme Court in **R.Manimaran V State of Tamil Nadu (2026 INSC 946)**, where it has been held as under:

> '**13**. It cannot be forgotten that the vehicle kept in the custody of the Police or the Court, during the pendency of the trial, may deteriorate and become unusable in the long run.'

(12) It is therefore clear that keeping a vehicle involved in an offence, either in police station or in court, for a long time is not warranted and that an application seeking the interim custody of the vehicle needs to be dealt with judiciously and expeditiously, regardless of the fact that the applicant is the accused in the offence concerned.

(13) Resultantly, this court holds that the revision petitioner is entitled to get the interim custody of the vehicle, but not of the mobile phones, in such terms as detailed hereunder, and this point is decided accordingly.

14. In the result,

https://www.mhc.tn.gov.in/judis

WEB COPY

(1) that this criminal revision petition filed by the revision petitioner/ petitioner/accused is hereby partly allowed *only with respect to the vehicle*, Kia Carens Clavis Car, bearing registration number TN 68 AT 1372 (Engine No.D4FASM548042 and Chassis No.MZBGB813LSN),

(2) that the order dated 12.08.2026 of the Judicial Magistrate No. I, Tiruchirappalli, in CMP.No.7998/2026 is hereby reversed *only with respect to the vehicle*,

(3) that the criminal miscellaneous petition in Crl MP No.7998/2026 on the file of the Judicial Magistrate No. I, Tiruchirappalli, is hereby allowed *only with respect to the vehicle* but on the conditions,

(i) that the revision petitioner/petitioner/accused shall execute a bond for a sum of Rs.7,00,000/- with two sureties for the like sum each to the satisfaction of the Judicial Magistrate No. I, Tiruchirappalli,

(ii) that the revision petitioner/petitioner/accused shall file into the court of the Judicial Magistrate No. I, Tiruchirappalli, the photographs showing all the four sides of the vehicle along with the original registration certificate, and

https://www.mhc.tn.gov.in/judis

WEB COPY

(iii) that the revision petitioner/petitioner/accused, in view of the prayer of 'interim custody', shall execute an undertaking, in the form of an affidavit, before the Judicial Magistrate No. I, Tiruchirappalli, to the effect that he shall produce the vehicle, *as it is*, before the court as and when directed,

(4) that the Judicial Magistrate No. I, Tiruchirappalli, is hereby directed to hand over the vehicle concerned to the revision petitioner/petitioner/accused only after the compliance by the revision petitioner/petitioner/accused of the aforesaid conditions, and

(5) that this criminal revision petition is hereby dismissed *with respect to the mobile phones*, iPhone 16 Plus and One Plus Nord 2T 5G.

16-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
GNS

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1.The Judicial Magistrate No.1,
Tiruchirappalli.

2.The Sub Inspector Of Police, Fort
Fort Police Station,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

https://www.mhc.tn.gov.in/judis

WEB COPY

B.MURUGESAN, J.
GNS

Pre-Delivery Order made in
CRL RC(MD) No. 1472 of 2026

16-10-2026

https://www.mhc.tn.gov.in/judis