



Crl.R.C.(MD).No.993 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2025

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Crl.R.C.(MD).No.993 of 2025

Selvam

... Petitioner/Petitioner

Vs.

The State represented by,
The Inspector of Police,
Musiri Police Station,
Trichy District.
In Crime No.180/2025

... Respondent/Respondent

Prayer : Criminal Revision Petition filed under Section 438 and 442 of BNSS, 2023, to call for the records pertaining to the order passed in Crl.M.P.No.2453 of 2025 on the file of the learned Judicial Magistrate, Musiri dated 18.07.2025 and set aside the same.

For Petitioner : Mr.A.Joel Paul Antony

For Respondent : Mr.M.Karunanithi

Government Advocate (Crl. Side)

ORDER

Heard Mr.A.Joel Paul Antony, learned counsel for petitioner and Mr.M.Karunanithi, learned Government Advocate (Crl. Side) appearing for respondent.



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2. Criminal Revision Case is filed challenging the order passed in Crl.M.P.No.2453 of 2025 on the file of the learned Judicial Magistrate, Musiri dated 18.07.2025.

3. Petitioner is an accused in Crime No.180 of 2025 registered for offences under Section 318(4), 361(2), 336(3) and 340(2) of BNS, 2023 and the following properties belonging to the petitioner were seized:

1. Rs.6,60,300/- (Six Lakhs Sixty Thousand and Three Hundred only),
2. Android Mobiles – 3 (1-Samsung, 2-Itel, 3-Techno),
3. Button cell phone – 2 (1.Nokia, 2.Itel),
4. Canara Bank Cheque book (A/c.No.62922610005946) and
Yes Bank Cheque Book (A/c.No.120392000000321),
5. Petitioner's original Aadhar Card,
6. Petitioner's PAN Card,
7. Petitioner's Driving License,
8. R.C.book of Car bearing Reg.No.TN 34 AH 0056,
9. Syndicate Bank ATM Card – 1,
10. Yes Bank ATM Card – 2,
11. Kuppusamy Nayudu Memorial Hospital Card -1,
12. Baba Institute ID Card -1,



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13. Petitioner's silver waist thread – 1,

14. Hundai Alcazar car bearing Registration No.TN 34 AH 0056 and

15. Petitioner's original documents (Doc.Nos.5114/2024, 5113/2024).

4. Petitioner filed an application under Section 451 of Cr.P.C (corresponding to Section 497 of BNSS) in Crl.MP.No.2453 of 2025 before the Judicial Magistrate, Musiri to release the above properties and the same was rejected on the premise that the said properties are required for investigation. Aggrieved, petitioner filed this Criminal Revision Case.

5. Respondent has filed a counter affidavit. Mr.M.Karunanithi, learned Government Advocate (Crl. Side) appearing for respondent, on instructions, would submit that except the properties in Serial Nos.1, 5 and 6, viz., sum of Rs.6,60,300/-, PAN Card and Aadhaar Card, the other properties may be released subject to conditions.

6. Before proceeding further, it may be relevant to refer to provisions of Sections 497 and 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which reads as follows:-

"497. Order for custody and disposal of property pending trial in certain cases.-When any property is produced before any Criminal



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Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the 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 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 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.

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 Code, 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. (2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation."

7. The Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai**

vs State of Gujarat, reported in **AIR 2003 SC 638**, held 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 application for return of such vehicles.

.....

21. However these powers are to be exercised by the concerned Magistrate. We hope and trust that the concerned Magistrate would take immediate action for seeing that powers under Section 451 Cr.P.C. Are properly and promptly exercised and articles are not kept for a long time at the police station, in any case, for not more than fifteen days to one month. This Object can also be achieved if there is proper supervision by the Registry of the concerned High Court in seeing that the rules framed by the High Court with regard to such articles are implemented properly."



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8. Keeping in view the law laid down by the Supreme Court and the documents/facts, which would *prima facie* show that Revision Petitioner is the owner of seized vehicle, viz., Hundai Alcazar car bearing Registration No.TN 34 AH 0056, this Court takes judicial notice that if vehicle in the present case is allowed to be kept in custody and in open yard, it will be exposed to vagaries of weather, resulting in diminishing its value and may in course of time be reduced to scrap.

9. In view thereof, impugned order dated 18.07.2025 passed by Judicial Magistrate, Musiri in Crl.M.P.No.2453 of 2025 is set aside insofar as it relates to seizure of properties in Serial Nos.2 to 4 and 7 to 13. Accordingly, properties in Serial Nos.2 to 4 and 7 to 15 (except the properties in Serial Nos. 1, 5 and 6, viz., sum of Rs.6,60,300/-, PAN Card and Aadhaar Card) are directed to be released subject to the following conditions, which was agreed to by learned counsel for petitioner:

(i) Insofar as properties in Serial Nos.2 and 3, viz., Android Mobiles – 3 (1-Samsung, 2-Itel, 3-Techno), and Button cell phone – 2 (1.Nokia, 2.Itel), petitioner shall provide access to number lock, pattern lock of mobile phones; data on the mobile phones shall be permitted to be retrieved/extracted and transferred/migrated to any device of respondent and petitioner shall undertake not to tamper with such data.



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(ii) Insofar as properties in Serial No.4, 7 to 12 and 15, viz., cheque books, driving licence, R.C. Book, ATM cards, Hospital Card, ID Card and original documents, the properties shall be released after taking photocopies of the same.

(iii) Insofar as Serial No.13, viz., silver waist thread, it shall be released after taking photograph of the same.

9.1. Further, seized vehicle in Serial No.14, viz., Hundai Alcazar car bearing Registration No.TN 34 AH 0056, is directed to be released to petitioner subject to the following conditions:

(i) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Musiri.

(ii) Vehicle shall be released after preparing a video and still photographs of the vehicle and after obtaining all information/documents necessary for identification of the vehicle.

(iii) Petitioner shall not sell or part with the ownership of the vehicle till conclusion of the trial and shall furnish an undertaking to the trial court that he shall surrender the vehicle within one week of being so directed.

(iv) Petitioner shall give an undertaking before respondent/authority



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concerned stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by respondent Police and also the trial Court, failing which the respondent/trial Court is/are at liberty to confiscate the vehicle.

(v) Petitioner is also directed to participate/co-operate in the enquiry to be conducted by the respondent Police.

(vi) Petitioner shall surrender the original R.C. Book before Judicial Magistrate, Musiri.

(vii) Petition relating to return of R.C. Book for any purpose in the future may be filed before Judicial Magistrate, Musiri, who may consider the same on merits, though this order has been passed by the High Court.

(viii) Petitioner shall produce the vehicle before the Trial Court once in a month, i.e, on first working day of every English calendar month.

11. This Criminal Revision case is disposed of on the above terms.

18.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Judicial Magistrate,
Musiri.
- 2.The Inspector of Police,
Musiri Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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MOHAMMED SHAFFIQ, J.

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