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CRL RC No. 3 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No.3 of 2026

Syed Zakir Ahamed

..Petitioner(s)

Vs

1. The State Rep.by the Inspector of Police,
District Crime Branch, Coimbatore,
Coimbatore District.
Crime No.16/2023.

2. Gnanasekar Yobu
*(R2 is suomotu impleaded as per the order of
this court dated 07.01.2026 in Crl.RC.No.3 of
2026)*

..Respondent(s)

Prayer: This Criminal Revision has been filed under Section 397 & 401 of Cr.P.C. to set aside the order dated 14.11.2025 made in Crl.M.P.No.10760 of 2025 on the file of the Judicial Magistrate No.6, Coimbatore District.

For Petitioner(s) : Mr.S.Kasirajan

For Respondent(s) : Mr.R.Vinothraja, GA for R1
Mr.S.Saravanakumar for R2

ORDER

This revision case challenges the dismissal of petitioner's application seeking return of his car bearing Regn.No.TN 01 BU 2777, which was seized during the course of the investigation in Cr.No.16 of 2023 registered for the



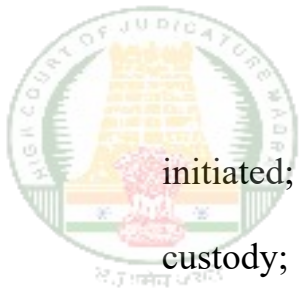
offences under Section 406 and 420 of IPC.

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2. It is the case of the prosecution that the second respondent / A1 has committed the aforesaid offences by received money from the general public by deception and promise of selling Iridium.

3. During the course of investigation, the four-wheeler belonging to the petitioner, namely Kia Seltos bearing Regn.No.TN 01 BU 2777, and in possession of the second respondent was seized. The petitioner sought for return of the vehicle. The learned Magistrate dismissed the petition vide order dated 14.11.2025 on the ground that the second respondent had purchased the car from the petitioner by paying Rs.10,00,000/- which was the proceeds of the Crime and hence the car cannot be returned to the petitioner.

4. The learned counsel for the petitioner submits that though it is the case of the prosecution that the first accused / second respondent had purchased the car, there is no evidence to substantiate the same and that the petitioner is still the registered owner of the car and that the vehicle has been lying idle in an open place in the police station since September 2025, resulting in continuous deterioration and loss of value; and that if it is not released, it would be reduced to scrap. He further submitted that no confiscation proceedings have been



initiated; that the petitioner, being the registered owner, is entitled to interim custody; and that he is willing to comply with any conditions imposed by this Court.

5. The learned counsel for the second respondent / A1 submits that he had borrowed the car from the petitioner and that he has no objection if the vehicle is returned to the petitioner, and that he had not purchased the car from the petitioner.

6. The learned Government Advocate (Crl. Side), fairly concedes that though it is the prosecution case that the petitioner had received a sum of Rs.10,00,000/- and had handed over the car to the second respondent, there is no evidence to substantiate the same. He would further submit that the vehicle is presently secured in the police station; that it is not required for the purpose of investigation any longer; that no confiscation proceedings have been initiated till date; and that there are no criminal cases pending against the petitioner.

7. In the light of the above submissions, this Court is of the view that the vehicle cannot be kept idle in an open space and its value cannot be allowed to be diminished as held by the Hon'ble Supreme Court. The petitioner is the owner of the vehicle, though the vehicle was seized from the second respondent. The second respondent has no objection for returning the vehicle to the



petitioner. Therefore, the petitioner is the proper person entitled to the interim custody of the vehicle.

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8. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 14.11.2025 made in Crl.M.P.No.10760 of 2025 on the file of the Judicial Magistrate No.6, Coimbatore District, is set aside. In view of the same, the interim custody of the vehicle viz., Kia Seltos bearing Regn.No.TN 01 BU 2777 is directed to be handed over to the petitioner on the following conditions:-

(i) The petitioner shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.6, Coimbatore District;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Judicial Magistrate No.6, Coimbatore District, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the Court below.

(v) The return of property would be subject to the result of the



confiscation proceedings.

9. However, it is made clear that if the second respondent has any material to show that the car was handed over / sold to the second respondent on receipt of consideration from the petitioner, the second respondent is at liberty to invoke Section 107 of BNSS.

16-02-2026

Neutral Citation: Yes/No

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To

1. The Inspector of Police,
District Crime Branch,
Coimbatore District,
Coimbatore.
Crime No.16/2023.
2. The Judicial Magistrate No.6, Coimbatore District.



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SUNDER MOHAN.J.

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