



**Crl.R.C.(MD)Nos.480 to 484 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.02.2026

CORAM:

**THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

**CRL.R.C.(MD)Nos.480, 481, 482, 483 & 484 of 2025**

**CRL.R.C.(MD)No.480 of 2025:-**

Musthafa Ayappalli.  
S/o.Hamzakutty Haji A,  
Ayyapalli House, Kattilangadi Post,  
Athavanand, Malappuram  
Kerala- 676 301.

... Petitioner

vs.

The State of Tamilnadu,  
Rep by The Inspector of Police,  
Palani Adivaram Police Station,  
Dindigul District.  
(Crime No.24 of 2025)

... Respondent

**PRAYER:** Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to the impugned order, dated 06.03.2025 made in Crl.M.P.No.174 of 2025 on the file of Judicial Magistrate Court, Palani in Crime No.24 of 2025 on the file of Inspector of Police, Palani Adivaram Police Station, Dindigul District and to set aside the order and consequently, to direct the respondent Police to return the mobile phones and vehicle of the petitioner in the custody of the respondent herein to the petitioner till the conclusion of the criminal case.



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**CRL.R.C.(MD)No.481 of 2025:-**

Abdul Lathif,  
S/o.Bavajith,  
Enjikalli, Malapuram, Kerala.

... Petitioner

vs.

The State of Tamilnadu,  
Rep by The Inspector of Police,  
Palani Adivaram Police Station,  
Dindigul District.  
(Crime No.24 of 2025)

... Respondent

**PRAYER:** Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to the impugned order, dated 06.03.2025 made in Crl.M.P.No.175 of 2025 on the file of Judicial Magistrate Court, Palani in Crime No.24 of 2025 on the file of Inspector of Police, Palani Adivaram Police Station, Dindigul District and to set aside the order and consequently, to direct the respondent Police to return the mobile phones of the petitioner in the custody of the respondent herein to the petitioner till the conclusion of the criminal case.

**CRL.R.C.(MD)No.482 of 2025:-**

Mohammed Rafeek,  
S/o.Amsa,  
Pappa House, Omachupula, Kerala.

... Petitioner

vs.

The State of Tamilnadu,  
Rep by The Inspector of Police,  
Palani Adivaram Police Station,  
Dindigul District.  
(Crime No.24 of 2025)

... Respondent



**Crl.R.C.(MD)Nos.480 to 484 of 2025**

**PRAYER:** Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to the impugned order, dated 06.03.2025 made in Crl.M.P.No.176 of 2025 on the file of Judicial Magistrate Court, Palani in Crime No.24 of 2025 on the file of Inspector of Police, Palani Adivaram Police Station, Dindigul District and to set aside the order and consequently, to direct the respondent Police to return the mobile phones of the petitioner in the custody of the respondent herein to the petitioner till the conclusion of the criminal case.

**CRL.R.C.(MD)No.483 of 2025:-**

Nehas,  
S/o.Yakutty,  
Kathayal House, Yeipula, Kerala

... Petitioner

vs.

The State of Tamilnadu,  
Rep by The Inspector of Police,  
Palani Adivaram Police Station,  
Dindigul District.  
(Crime No.24 of 2025)

... Respondent

**PRAYER:** Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to the impugned order, dated 06.03.2025 made in Crl.M.P.No.177 of 2025 on the file of Judicial Magistrate Court, Palani in Crime No.24 of 2025 on the file of Inspector of Police, Palani Adivaram Police Station, Dindigul District and to set aside the order and consequently, to direct the respondent Police to return the mobile phones of the petitioner in the custody of the respondent herein to the petitioner till the conclusion of the criminal case.



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**CRL.R.C.(MD)No.484 of 2025:-**

Sheik Abdullah

... Petitioner

vs.

The State of Tamilnadu,  
Rep by The Inspector of Police,  
Palani Adivaram Police Station,  
Dindigul District.  
(Crime No.24 of 2025)

... Respondent

**PRAYER:** Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to the impugned order, dated 06.03.2025 made in Crl.M.P.No.178 of 2025 on the file of Judicial Magistrate Court, Palani in Crime No.24 of 2025 on the file of Inspector of Police, Palani Adivaram Police Station, Dindigul District and to set aside the order and consequently, to direct the respondent Police to return the mobile phones of the petitioner in the custody of the respondent herein to the petitioner till the conclusion of the criminal case.

For Petitioner :Mr.K.Muthu Ganesan Pandian  
(in all cases)

For Respondent :Mr.Thiruvadikumar  
(in all cases) Additional Public Prosecutor

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### **COMMON ORDER**

Heard Mr.K.Muthu Ganesa Pandian, learned Counsel for Revision Petitioners and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor for Respondent.



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2. These Criminal Revision Cases have been filed to set aside the orders, dated 06.03.2025 made in Crl.M.P.Nos.174, 175, 176, 177 and 178 of 2025 on the file of the Judicial Magistrate Court, Palani, and consequently, to direct the respondent to return the mobile phones and vehicle to the respective Petitioners.

3. Mr.K.Muthu Ganesa Pandian, learned Counsel for Revision Petitioners would submit that Petitioners, who were arraigned as Accused Nos.1, 4, 5, 6 and 7, are owners of the mobile phones viz., VIVO V235G, Samsung GALAXY S 24 ULTRA, OPPO A53, VIVO X 200, Samsung Galaxy S20, CMALX2 (Honor), I-Phone and Samsung and 1<sup>st</sup> Petitioner is the owner of vehicle viz., Honda Amaze Grey color Car bearing Registration No.KL 55Ab 9669. The said vehicle and mobile phones were seized by Respondent Police and a case was registered in Crime No.24 of 2025, dated 13.02.2025 for offence punishable under Section 25 (1B)(a) of Arms Act, alleging that the petitioners, along with two other accused, illegally possessed an SBBL 12-bore rifle with 6 bullets without any licence. Petitioners have filed Crl.M.P.Nos.174, 175, 176, 177 and 178 of 2025 before Judicial Magistrate, Palani, to grant interim custody of the said vehicle and the said petition was dismissed by the Court below by



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the impugned order dated 06.03.2025 for the reasons stated supra. Hence, these Criminal Revision Cases have been filed.

4. This Court, vide order dated 07.01.2026, directed Judicial Magistrate, Palani, to grant custody of mobile phones to the investigating agency, viz., Palani Adivaram Police Station, Dindigul District, and the same shall be handed over to Judicial Magistrate, Palani, after retrieving/extracting data from the said mobile phones and transmitting/migrating it to a device decided upon by Respondent. It is submitted that, in compliance with the order, the investigating agency handed over the mobile phones to the Judicial Magistrate, Palani.

5. Learned Counsel for Petitioners would further submit that Petitioners are the owner of the respective vehicle and mobile phones, and they would abide by any conditions that may be imposed by this Court. In support thereof, a copy of Registration Certificate of said vehicle has been produced and the same was perused by Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor for Respondent, who confirmed that Registration Certification stands in the name of Petitioner.



6. Learned Additional Public Prosecutor would submit that the said vehicle and mobile phones may be released subject to conditions that including in case, confiscation proceedings are being initiated, Petitioners must co-operate, same was agreed to by learned counsel for Revision Petitioners.

7. 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 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.



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**(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."

**8. 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."*

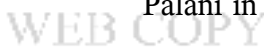
9. It may also be relevant to note that mere pendency of confiscation proceedings before the Collector is no bar to release the vehicle.<sup>1</sup> The same view was taken by Allahabad High Court that pendency of confiscation proceedings shall not operate as bar against the release of vehicle seized under Section 60 of Excise Act<sup>2</sup>.

10. Keeping in view the law laid down by the Supreme Court and the documents/facts which would *prima facie* show that Revision Petitioners are the lawful owner of respective seized vehicle and mobile phones, 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.

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<sup>1</sup>.Jai Prakash Vs. State of U.P., 1992 AWC 1744

<sup>2</sup>.Kamaljeet Singh Vs. State of U.P., 1986 U.P. Cri. Ruling 50 (Alld)



(iv) Petitioners shall give an undertaking before respondent/authority concerned stating that they will not use the vehicle and mobile phones in question for any illegal activities in future and shall produce the same as and



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when required by respondent Police and also the trial Court, failing which the respondent/trial Court is/are at liberty to confiscate the vehicle and mobile phones.

(v) Petitioners undertakes to co-operate in confiscation proceedings, if any, initiated/to be initiated.

(vi) Petitioners are also directed to participate in the enquiry to be conducted by the respondent Police.

(vii) 1<sup>st</sup> Petitioner shall surrender the original R.C. Book before Judicial Magistrate, Palani.

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

11. These Criminal Revision cases are **disposed of** on the above terms.

**13.02.2026**

Index :yes/No  
Internet:yes/No  
Nsr

To

11/13



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1.The Judicial Magistrate Court, Palani.

2.The Inspector of Police,  
Palani Adivaram Police Station  
Dindigul District.  
(Crime No. 24/2025)

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



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**MOHAMMED SHAFFIQ,J.**

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