



*Crl.R.C(MD)Nos.897 and 902 of 2025*

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

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**DATED : 22.01.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**Crl.R.C(MD)Nos.897 and 902 of 2025**

**and**

**Crl.MP(MD)No.9588 of 2025**

Crl.RC(MD)No.897 of 2025:

Muthukumar

...Petitioner

vs.

1.The State of Tamil Nadu,  
Represented by the  
The Sub Inspector of Police,  
Veeracholan Police Station,  
Virudhunagar District.  
(Crime No.130 of 2024)

2.Senthil Kumar

... Respondents

**PRAYER:** Criminal Revision Case is filed under Section 438 r/w.442 of BNSS, 2023 to call for the records pertaining to order dated 12.06.2025 made in Crl.M.P.No.188 of 2025 passed by the learned Judicial Magistrate, Thiruchuli and set aside the same and consequently hand over the Bajaj Pulsar bike bearing Reg.No.TN-63-BU-5899 to the petitioner by allowing the above Criminal Revision Case.



*Crl.R.C(MD)Nos.897 and 902 of 2025*

For Petitioner : Mr.B.Anandan  
For R-1 : Mr.A.Thiruvadi Kumar  
Additional Public Prosecutor  
and Mr.M.Karunanithi  
Government Advocate (Criminal Side)  
For R-2 : Mr.P.Aju Tagore

Crl.RC(MD)No.902 of 2025:

Muthukumar

...Petitioner

VS.

1.The State of Tamil Nadu,  
Represented by the  
The Sub Inspector of Police,  
Narikudi Police Station,  
Virudhunagar District.  
(Crime No.130 of 2024)

2.Senthil Kumar

... Respondents

**PRAYER:** Criminal Revision Case is filed under Section 438 r/w.442 of BNSS, 2023 to call for the records pertaining to order dated 12.06.2025 made in Crl.M.P.No.179 of 2025 passed by the learned Judicial Magistrate, Thiruchuli and set aside the same by allowing the above Criminal Revision Case.



*Crl.R.C(MD)Nos.897 and 902 of 2025*

For Petitioner : Mr.B.Anandan  
For R-1 : Mr.A.Thiruvadi Kumar  
Additional Public Prosecutor  
and Mr.M.Karunanithi  
Government Advocate (Criminal Side)  
For R-2 : Mr.P.Aju Tagore

### **COMMON ORDER**

Heard Mr.B.Anandan, learned Counsel for Revision Petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor and Mr.M.Karunanithi, learned Government Advocate (Criminal Side) for 1<sup>st</sup> Respondent and Mr.P.Aju Tagore, learned Counsel for 2<sup>nd</sup> Respondent.

2. The Criminal Revision Case in Crl.RC(MD)No.897 of 2025 has been filed to set aside the order of Judicial Magistrate, Thiruchuli dated 12.06.2025, in Crl.M.P.No.188 of 2025, wherein Judicial Magistrate, Tiruchuli dismissed the petition filed by Petitioner herein, seeking to dismiss the petition filed by 2<sup>nd</sup> respondent for granting interim custody of Bajaj Pulsar bike bearing Registration No.TN 63 BU 5899.



3. The Criminal Revision Case in Crl.RC(MD)No.902 of 2025 has been filed to set aside the order dated 12.06.2025 made in Crl.M.P.No.179 of 2025 passed by Judicial Magistrate, Thiruchuli, wherein Judicial Magistrate, Tiruchuli allowed the petition filed by 2<sup>nd</sup> respondent and granted interim custody of Bajaj Pulsar bike bearing registration number TN 63 BU 5899 to 2<sup>nd</sup> respondent herein.

4. Learned Counsel for Petitioner would submit that on 26.07.2024, Petitioner lodged a complaint alleging that jewellery weighing about 9 sovereigns was stolen by the accused/2<sup>nd</sup> respondent, and FIR was registered on the very same date. Thereafter, 2<sup>nd</sup> respondent was apprehended, and a confession statement was obtained wherein he confessed to having stolen 9 sovereigns of gold. He would submit that out of 9 sovereigns, 4½ sovereigns were recovered and handed over to the Petitioner. It is the Petitioner's case that with the remaining 4½ sovereigns of gold, 2<sup>nd</sup> respondent had purchased the vehicle, and learned Counsel for Petitioner places reliance on the confession statement in this regard. He would further submit that 2<sup>nd</sup> respondent purchased the subject vehicle from the jewels stolen from petitioner as evident from the fact that while date of



*Crl.R.C(MD)Nos.897 and 902 of 2025*

the occurrence is 26.07.2024, date of registration of the vehicle is 13.02.2025.

5. To the contrary, learned Additional Public Prosecutor for 1<sup>st</sup> Respondent would submit that 2<sup>nd</sup> Respondent had retracted the confession and filed a petition under Section 451 Cr.P.C seeking interim custody of the said vehicle and Petitioner had also filed an objection petition therein. He would further submit that while a confessional statement is normally inadmissible, there is no embargo against considering it for the purposes of a petition for interim custody of the vehicle under Section 451 CrPC. He would also submit and refer to Section 452(5) CrPC to suggest that provisions for the return of property, including any property that has been converted or exchanged, would apply only at the conclusion of the trial and not at this interim stage. He would thus submit that it is only on considering the petition filed by 2<sup>nd</sup> Respondent as well as the objection petition filed by Petitioner that, Judicial Magistrate, Thiruchuli, granted interim custody of the vehicle to 2<sup>nd</sup> Respondent subject to the conditions set out therein.



*Crl.R.C(MD)Nos.897 and 902 of 2025*

6. Learned Counsel for 2<sup>nd</sup> Respondent would submit that after the confession statement was made, it was retracted and a petition under Section 451 of Cr.P.C came to be filed and the RC stands in their name, which would show that 2<sup>nd</sup> respondent is the ostensible/legal owner of the motor vehicle and he had also complied with the conditions imposed by the Judicial Magistrate, which adequately safeguards the interest of petitioner, in the event, 2<sup>nd</sup> Respondent is found guilty and convicted of the offence.

7. Considering the submission of petitioner, 1<sup>st</sup> and 2<sup>nd</sup> respondents, the orders under challenge are passed considering the submissions of the parties concerned and do not suffer from any infirmity.

8. In the circumstances, this Court finds no reason warranting interference, except to direct that the Judicial Magistrate, Thiruchuli, shall endeavor to dispose of the criminal case as expeditiously as possible, preferably within six (6) months from the date of receipt of a copy of this order.



*Crl.R.C(MD)Nos.897 and 902 of 2025*

9. In the result, the Criminal Revision Cases are **disposed of** on the above terms. Consequently, connected miscellaneous petition is closed.

**22.01.2026**

Index : Yes/No  
Internet: Yes/No  
Nsr

To:

- 1.The Judicial Magistrate, Thiruchuli.
- 2.The Sub Inspector of Police,  
Veeracholan Police Station,  
Virudhunagar District.
- 3.The Sub Inspector of Police,  
Narikudi Police Station,  
Virudhunagar District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**MOHAMMED SHAFFIQ, J.**

Nsr

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