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NC: 2026:KHC:24046
CRL.P No. 2737 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

CRIMINAL PETITION NO. 2737 OF 2026

BETWEEN:

1. ANIL MAHADEV PATIL
S/O MAHADEV PATIL
TRANSPORT BUSINESS
AGE 47, OCC BUSINESSMAN
R/O VAITHY STREET, SHEVPET SALEM
TAMIL NADU - 636 002
ADHAR CARD NO - 692662702672
2. VINOD DHONDIRAM MALI
S/O DHONDIRAM MALI
PROPRIETOR OF TANVI PAYAL SALEM
AGE 38, OCC BUSINESSMAN
R/O SHEVPET SALEM.
TAMIL NADU - 636 002
ADHAR CARD NO - 302126374010
3. NITIN NARAYAN MALI
S/O NARAYAN MALI
PROPRIETOR OF OM SILVER,SALEM
AGE 48, OCC BUSINESSMAN
R/O VAITHY STREET,
SHEVPET SALEM
TAMIL NADU - 636 002
ADHAR CARD NO - 418941436624
4. AJMUDDIN YAKUB MULANI
S/O YAKUB MULANI
PROPRIETOR OF N.S.PAYALS
AGE 43, OCC BUSINESSMAN
R/O PAIKARA STREET,
SHEVPET SALEM
TAMIL NADU 636002
ADHAR CARD NO - 711956477151





5. SANJAY KASHINATH MALI
S/O KASHINATH MALI
PROPRIETOR OF
VISHWAJEETH PAYAL SALEM
AGE 43, OCC BUSINESSMAN
R/O LAXMI IYER STREET,
SHEVPET SALEM
TAMIL NADU - 636 002
ADHAR CARD NO - 649710159029
6. NANDAKUMAR RAMCHANDRA GIDDE
RAMCHANDRA GIDDE
PROPRIETOR OF SWAPNALI PAYALS SELAM
AGE 60, OCC BUSINESSMAN
R/O LAXMI IYER STREET,
SHEVPET SALEM
TAMIL NADU - 636 002
ADHAR CARD NO -474611854756
7. R BHAGWANSAIT YADAV
S/O RAMCHANDRAN
PROPRIETOR OF
M/S SRI SIDDHESHWAR JEWELLERY SALEM
AGE 48, OCC BUSINESSMAN
R/O MARKET STREET,
GUGAI SALEM
TAMIL NADU 636002
ADHAR CARD NO - 650117496337
8. A SHABBER AHAMADH
S/O ABDUL
PROPRIETOR OF MOKESH JEWELLERS
AGE 43, OCC BUSINESSMAN
R/O NAKKERER STREET GUGAI SALEM
TAMIL NADU - 636 002
ADHAR CARD NO - 644469043618
9. THATYYASHAIEB MARUTI MORE
S/O KRISHNA MARUTI MORE
PROPRIETOR OF YASHODA PAYALS
AGE 57, OCC BUSINESSMAN
R/O LAKSMI LYER STREET,
SHEVPET SALEM
TAMIL NADU - 636 002
ADHAR CARD NO - 817901452101



10. D SHANTARAM DADASO CHANNE
S/O DADASO RAMCHADRAN CHANNE
PROPRIETOR OF SHIV MALAR TRADERS
AGE, OCC BUSINESSMAN
R/O VARDHAPPAN STREET, SALEM
TAMIL NADU - 636 002
ADHAR CARD NO - 854506769585
11. S. BALU S/O SELVAM
PROPRIETOR OF P.S. SILVER PAYALS
AGE 38, OCC: BUSINESSMAN
R/O OM SAKTHI NAGAR SALEM
TAMIL NADU 636002
ADHAR CARD NO - 625437795064
12. SUVASKUMAR ASHOK RAO
S/O ASHOK RAO
PROPRIETOR OF SHRI SILVER WORKS
AGE 37, OCC BUSINESSMAN
R/O LAXMI LYER STREET,
SHEVPET SALEM
TAMIL NADU 636 002.
13. RANJEETHKUMAR RAJA
S/O RAJARAM
PROPRIETOR OF M/S RISHI SILVER
AGE 36, OCC BUSINESSMAN
R/O SAMBALINGMOORTHY STREET,
SHEVPET SALEM
TAMIL NADU - 636 002
ADHAR CARD NO - 662404711695
14. RAJENDRAN SOMANATHAN
S/O RAJARAM
PROPRIETOR OF P.S.R. JWELLERS
AGE 55, OCC BUSINESSMAN
R/O OM SAKTHI NAGAR SALEM
TAMIL NADU - 636 002
ADHAR CARD NO - 557992346822
15. SOMNATH JAYWANT SHINDE
S/O JAYWANT SHINDE
PROPRIETOR OF SHRI MEENAKSHI
SILVER MANUFACTURES TRADE
AGE 48, OCC BUSINESSMAN
R/O,SHEVPET SALEM
TAMIL NADU 636002
ADHAR CARD NO -779615773071



16. P.SATHIYA NARAYANAN
S/O PERUMAL
PROPRIETOR OF MAB SILVERS
AGE 46,: OCC BUSINESSMAN
R/O PERIYA KINARU STREET SALEM
TAMIL NADU 636002
ADHAR CARD NO - 428340516402
17. PRAVIN TANAJI SHETKE
S/O TANAJI
AGE 45, : OCC BUSINESSMAN
R/O HUPARI
MAHARASHTRA - 416203
ADHAR CARD NO - 409116349385
18. VISHAL TANAJI SHETKE
S/O TANAJI
AGE 47, : OCC BUSINESSMAN
R/O HUPARI MAHARASHTRA
ADHAR CARD NO - 965627610950

...PETITIONERS

(BY SMT. ARATI RAVICHANDRA, ADVOCATE)

AND:

STATE OF KARNATAKA
KORA POLICE STATION
REPRESENTED BY S.P.P
HIGH COURT OF KARNATAKA
BANGALURU - 560 001

...RESPONDENT

(BY SRI. DIWAKAR MADDUR, HCGP)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS)
PRAYING TO QUASH/ SET ASIDE THE IMPUGNED ORDER DTD 12.02.2026
PASSED IN S.C.NO.194/2025 AS PER ANNEXURE-D AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER
WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioners have sought for the following reliefs:-

“ a) Set aside the impugned order dated: 12.02.2026 passed in S.C. No.194/2025. As per Annexure-B

b) Direct the Trial Court to Release of the silver articles (390+kg) and cash (Rs.17,41,910/-) seized under PF No.70/2024 dated: 28.09.2024 by Kora Police Station which is still in the custody of respondent to the interim custody of the petitioners by imposing any conditions.

C) Pass such other and further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the inters of justice and equity.”

2. Heard learned counsel for the petitioners and learned HCGP for the respondents – State and perused the material on record.

3. A perusal of the material on record will indicate that the petitioners are complainants in Crime No.113/2024, in which, the respondent – Police have filed a charge sheet and is currently pending in S.C.No.194/2025 before the Sessions Court upon the same being committed from the learned Magistrate. In the first



instance, the application filed by the petitioners under Sections 497 and 503 of BNSS, 2023, seeking release of seized Articles, jewellery, cash and vehicle having been rejected by the learned Magistrate vide order dated 22.11.2024 and confirmed by the Sessions Court in CrI.R.P.No.107/2024 dated 20.02.2025, the petitioners approached this Court in CrI.P.No.4339/2025 which was allowed by this Court vide final order dated 21.07.2025, thereby setting aside the orders of the Sessions Court and allowing the said application filed by the petitioners and thereby directing the trial court to grant interim custody of the movable properties claimed by the petitioners and release the same in their favour after verifying the documents. The said order passed by this Court in CrI.P.No.4339/2025 dated 21.07.2025, reads as under:-

“ This petition by the complainants in Crime No.113/2024 is directed against the impugned order dated 22.11.2024 rejecting the application filed by the petitioners under Sections 503 of BNSS (Section 457 of Cr.PC), whereby the application for release of seized articles, jewellery, cash and vehicle claimed by the petitioners was rejected by the trial Court and confirmed in CrI.RP.No.107/2024 by the Sessions Court, which dismissed the said revision petition filed by the petitioners.



2. A perusal of the material on record would indicate that the petitioners filed a complaint, registered as an FIR in Crime No.113/2024 against the four accused persons for the offence punishable under Section 310(2) of BNS. In pursuance of the same, the Police authorities conducted investigation and seized various movable properties viz., cash, jewellery, vehicles etc. and filed a chargesheet which is pending consideration in CC.No.234/2025 before the trial Court. The petitioners-complainants claiming to be the owners of the movables, jewellery, cash, vehicle etc., filed the instant application under Section 503 of BNSS seeking interim custody of the said properties. By the impugned order dated 22.11.2024, the trial Court rejected the application filed by the petitioners, who approached the Revisional Court in Crl.RP.No.107/2024 which was also rejected by the Revisional Court.

3. Aggrieved by the impugned orders passed by the trial Court and Revisional Court the petitioners are before this Court by way of the present petition.

4. A perusal of the material on record and the impugned order would indicate that the trial Court and the Revisional Court failed to consider and appreciate the material on record comprising of the bills, invoices, vouches, affidavits etc. and other documents produced by the petitioners, which clearly indicate that the petitioners would be entitled to interim custody of the said movable articles seized during investigation.



5. *In this context, the Hon'ble Apex Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujarat** reported in **AIR 2003 SC 638**, has laid down some guidelines, which are as under:*

"10. To avoid such a situation, in our view, powers under Section 451 CrPC should be exercised promptly and at the earliest.

Valuable articles and currency notes

11. With regard to valuable articles, such as, golden or silver ornaments or articles studded with precious stones, it is submitted that it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted. In such cases, the Magistrate should pass appropriate orders as contemplated under Section 451 CrPC at the earliest.

12. For this purpose, if material on record indicates that such articles belong to the complainant at whose house theft, robbery or dacoity has taken place, then seized articles be handed over to the complainant after:

(1) preparing detailed proper panchnama of such articles;

(2) taking photographs of such articles and a bond that such articles would be produced if required at the time of trial; and

(3) after taking proper security.

13. For this purpose, the court may follow the procedure of recording such evidence, as it thinks necessary, as provided under Section 451 CrPC. The bond and security should be taken so as to prevent the evidence being lost, altered or destroyed. The court should see that photographs of such articles are attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Still however, it would be the function of the court under Section



451 CrPC to impose any other appropriate condition.

14. In case, where such articles are not handed over either to the complainant or to the person from whom such articles are seized or to its claimant, then the court may direct that such articles be kept in bank lockers. Similarly, if articles are required to be kept in police custody, it would be open to the SHO after preparing proper panchnama to keep such articles in a bank locker. In any case, such articles should be produced before the Magistrate within a week of their seizure. If required, the court may direct that such articles be handed back to the investigating officer for further investigation and identification. However, in no set of circumstances, the investigating officer should keep such articles in custody for a longer period for the purposes of investigation and identification. For currency notes, similar procedure can be followed.

15. Learned Senior Counsel Mr Dholakia, appearing for the State of Gujarat further submitted that at present in the police station premises, a number of vehicles are kept unattended and vehicles become junk day by day. It is his contention that appropriate directions should be given to the Magistrates who are dealing with such questions to hand over such vehicles to their owners or to the person from whom the said vehicles are seized by taking appropriate bond and guarantee for the return of the said vehicles if required by the court at any point of time

16. However, the learned counsel appearing for the petitioners submitted that this question of handing over the vehicle to the person from whom it is seized or to its true owner is always a matter of litigation and a lot of arguments are advanced by the persons concerned.

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.

18. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by a third person, then such vehicle may be ordered to be auctioned by the court. If the said vehicle is insured with the insurance company then the insurance company be informed by the court to take possession of the vehicle which is not claimed by the owner or a third person. If the insurance company fails to take possession, the vehicles may be sold as per the direction of the court. The court would pass such order within a period of six months from the date of production of the said vehicle before the court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.

19. For articles such as seized liquor also, prompt action should be taken in disposing of it after preparing necessary panchnama. If sample is required to be taken, sample may be kept properly after sending it to the Chemical Analyser, if required. But in no case, large quantity of liquor should be stored at the police station. No purpose is served by such storing.

20. Similarly for the narcotic drugs also, for its identification, procedure under Section 451 CrPC should be followed of recording evidence and disposal. Its identity could be on the basis of evidence recorded by the Magistrate. Samples also should be sent immediately to the Chemical Analyser so that subsequently, a contention may not be raised that the article which was seized was not the same.

21. However, these powers are to be exercised by the Magistrate concerned. We hope and trust that the Magistrate concerned would take



immediate action for seeing that powers under Section 451 CrPC 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 High Court concerned in seeing that the rules framed by the High Court with regard to such articles are implemented properly."

So also, the Coordinate Bench of this Court in the case of **Shri Vishal Ramesh Khatwani vs. State Of Karnataka in Crl.RP.No.210/2024 [DD:04.10.2024]** has laid-down some guidelines regarding interim release of the movable properties, which are as under:

"Directions/Guidelines:

- (1) Description of the seized property shall be incorporated in the seizure mahazar so as to distinctly identify the seized property at all stages in the criminal trial.
- (2) Mahazar shall include, serial numbers, make of the seized property, manufacturers name, if any, distinctive marks, if any, hall mark, if any, on the gold and silver articles with distinct numbers.
- (3) Mahazar shall include, approximate value of the seized property (estimation of valuation to be obtained from the registered valuers wherever necessary). It shall accompany the P.F. Memo when it is placed before the learned Trial Magistrate.
- (4) Trial Magistrate shall verify the contents of mahazar with aforesaid details and personally examine the seized properties and satisfy that the seized properties are tallying with the description made in the mahazar and P.F. Memo.
- (5) Unless a specific grounds/reasons are made out by the Investigating Agency, seized property shall not be allowed to be retained by the Investigating Agency.



- (6) *Even if the request for retention is allowed, the learned Trial Magistrate instead of passing a mechanical order by initialing on the readymade seal with words 'permitted to retain', pass a suitable speaking order in the order sheet of the case, directing the Investigating Agency that they would be retaining the property as a 'Bailee' and ensure that proper care is taken to preserve the seized property.*
- (7) *Learned Trial Magistrate shall ensure that proper infrastructure is available with the police for preservation of the seized material objects and must report to the Court as to its status when the charge sheet is filed.*
- (8) *If the seized property is sent to the Forensic Science Laboratory, Investigating Agency shall ensure that the property is sent in a proper sealed condition and seals are intact, at all levels.*
- (9) *Whenever the property is ordered to be retained by the Investigating Agency, and if an application seeking release is rejected, after the investigation, and if the need of retaining property is not imperative, the Court may pass suitable orders with regard to the interim disposal of the property.*
- (10) *Learned Trial Magistrates/learned Sessions Judges are hereby directed to ensure the disposal of the property in respect of Narcotic drugs and psychotropic substances as per the directions of the Hon'ble Supreme Court in the case of Union of India vs. Mohanlal and another, reported in (2016) 3 Supreme Court Cases 379.*
- (11) *In case of seizure of the vehicles, the standard operating procedure and the amendment to the Rule 232G of Karnataka Motor Vehicles (Amendment) Rules, 2018 shall be borne in mind by the learned Trial Magistrate while disposing the application filed under Section 451 and 457 Cr.P.C., or under Section 497 of BNSS.*
- (12) *In respect of the electronic and digital material objects, the learned Trial Magistrate shall*



- ensure that the same to be retained by the police under retention order to ensure that the same are not exposed to the atmospheric moisture, resulting in damage to the seized electronic equipment or data stored therein.*
- (13) *Necessary directions in this regard shall be made in the order while P.F. Memo is filed into the Court seeking retention of the seized electronic items, Compact Disc, Pendrives and such other storage media when produced and ordered to be retained shall be properly preserved by taking necessary precautions so as to avoid the damage to the data stored therein which may have a direct bearing on the merits of the trial.*
- (14) *Precious items like Gold, Silver shall not be ordinarily to be retained with the Investigating Agency unless the same is required for investigation purpose like identity, finger print examination etc., and wherever it is necessary, photographs/ videographs of the seized material objects can ordered to be returned to the applicant after deciding the rival claim, if any.*
- (15) *In respect of the explosives, inflammable substances, like adulterated petroleum products, gas cylinders etc, the learned Trial Magistrate shall ensure the safety of the seized material objects, not only the safety of seized material objects and possible accident in the place where it is stored and pass suitable orders.*
- (16) *In respect of perishable items, the learned Trial Magistrate without loss of time, shall consider the application and pass suitable orders like auctioning the perishable items and directing the auction money to be kept in 'escrow account' subject to the final result of the criminal proceedings.*
- (17) *In respect of the seized material objects under the special enactments like Essential Commodities Act etc., learned Trial Magistrate, shall strictly adhere to the rules and regulations*



- under the special enactment and pass appropriate orders as early as possible.*
- (18) *In respect of seized cash, photograph/ videograph of the currency notes to be taken and serial numbers of the seized currency notes shall be written in a mahazar. Immediate steps are to be taken to deposit the currency notes to Reserve Bank of India and value of the currency notes thereof shall be ordered to be returned to the successful party at the end of the trial."*

6. *Learned High Court Government Pleader would submit that there is mismatch between the properties sought to be released and the documents sought to be produced and as such, both the Courts were justified in rejecting the claim of the petitioners.*

7. *Learned counsel for petitioners, on instructions, submits that the petitioners have produced all relevant documents for the purpose of seeking release and would produce additional documents and the impugned order may be set-aside and the trial Court may be directed to release the properties in favour of the petitioners by verifying the documents produced and to be produced by the petitioners in accordance with law.*

8. *In view of the aforesaid facts and circumstances and the guidelines laid-down by the Hon'ble Apex Court and the Coordinate Bench of this Court in the aforesaid judgments, I am of the considered opinion that the impugned order deserves to be set-aside and necessary directions are to be issued to the trial Court to grant interim release of the movable properties sought for by the*



petitioners after verifying the documents produced and to be produced by the petitioners as expeditiously as possible.

9. In the result, I pass the following:

ORDER

- (i) *This petition is hereby **allowed**;*
- (ii) *The impugned order dated 20.02.2025 passed in Crl.RP.No.107/2024 by VI Additional District and Sessions Judge, Tumakuru, is hereby set-aside;*
- (iii) *The application filed by the petitioners before the trial Court is allowed;*
- (iv) *The trial Court is directed to grant interim custody of the movable properties claimed by the petitioners and release the same in favour of the petitioners after verifying the documents produced and to be produced by the petitioners, as expeditiously as possible.”*

4. Subsequently, the petitioners requested the trial court in C.C.No.234/2025 to grant them custody by producing several documents including Invoices, Bills, receipts, vouchers, etc. By order dated 04.10.2025, the trial court however refused to accept the request of the petitioners, who approached the Sessions Court in Crl.R.P.No.77/2025, which was allowed by the Sessions Court which set aside the order of the trial court and directed the trial court to release the properties as per the directions of this Court in Crl.P.No.4339/2025 by holding as under:-



ORDERS ON PETITION FILED U/S 438 OF BNSS

“ This petition is filed U/s 438 of BNSS challenging the order and to set aside the order dated 04.10.2025 passed by the learned VI Additional Civil Judge & JMFC, Tumakuru in C.C.No.234/2025.

2. Being aggrieved by the order dated 04.10.2025 passed by VI Additional Civil Judge & JMFC, Tumakuru Bengaluru in C.C.No.234/2025 the petitioner prefers this Criminal Revision Petition on following grounds.

a. The order of the trial court and subsequent order are directly contrary to the explicit directions passed by the honorable High court of Karnataka. In Crl.P.No.4339/2025 dt.21.07.2025 which directed to release the property.

b. The trial court has failed to provide fair opportunity to the petitioners to produce the additional documents as directed by the honorable High court of Karnataka and thereby violated the principles of natural justice.

c. The trial court erred in stating that the GST certificate were xerox copies failing to appreciate that the certificate is digitally authenticated document, having a bar code and a digital certificate, which serves as conclusive proof of the petitioner's proprietorship lawful business.

d. The trial court committed grave error by refusing even to consider the application for rectification/reconsideration wrongly citing lack of power to recall, which has resulted in the perpetuation or manifest justice. The trial court has inherent power to correct the



clerical error or mistake and re-evaluate its decision when a direction from superior court is disregarded.

e. The petitioners are the lawful owners of the seized property. The continued retention of the silver articles and cash over a year, in contravention of the order caused severe and irreparable loss to the business of the petitioners.

f. That the finding of the trial court that the petitioners had no representation on 18.08.2025 is factually incorrect and perverse, as the petitioners counsel was present and ready to submit the documents, which are annexed to the application.

3. After service of notice the learned P.P for the respondent took notice but not filed objections.

04. As the copies, impugned order and other relevant records were produced, hence the trial court records are dispensed with.

05. Heard arguments of both sides.

06. In view of the factors referred above, the point that arises for my consideration is:

1. Whether the petitioners proves that the impugned order dated 04.10.2025 regarding not releasing the properties is perverse, illegal and needs to be interfered with ?

2. What order ?

07. My finding to the above points are as under :-

Point No.1 : - In affirmative

Point No.2 :- As per final order for the following:

REASONS

08. Point No.1 : - It is the allegation of the petitioners that the trial court has not obtained the



documents in order to release the properties in their favour. Hence the orders of the trial court is perverse and against law. It is the allegation of the petitioners that the trial court with out any basis and by not considering the ownership of the petitioners over the seized properties has wrongly dismissed the application.

09. Admittedly the concerned police during the course of investigation has seized several items and reported in P.F before the trial court. That the petitioners have filed application seeking release of the seized properties into their custody. The said application was rejected by the trial court. Aggrieved by the said order the petitioners have filed this petition.

10. The petitioners have filed several documents and also the orders of the honorable High court of Karnataka in Crl.P.No.4339/2025 dt.21.07.2025 wherein they have directed to release the properties. It is true that the trial has passed the detailed orders. But it is the grievance of the petitioners that the trial court have not received the documents in support of their application but passed the impugned order.

11. Hence under these circumstances it is just and proper to direct the trial court to receive the documents which will be produced by the petitioners and then to pass the necessary orders. Accordingly, the revision petitioners have made out a ground to set aside the impugned order. Hence, I answered point No.1 in affirmative.

12. Point No.2: For the reasons given to point No.1, I proceed to pass the following:



ORDER

The revision petition filed by the petitioner U/Sec.438 of BNSS is hereby allowed.

The order of the learned VI Additional Civil Judge & JMFC, Tumakuru, C.C.No.234/2025 dated 04.10.2025 against the revision petitioners is hereby set-aside.

The trial court is hereby directed to release the properties as per direction and order of honorable High court of Karnataka in Cr.P.No.4339/2025 to the interim custody of the revision petitioners by verifying all necessary documents and as per procedure of law.

The revision petitioners are hereby directed to furnish all necessary documents to the satisfaction of the trial court in order to release the properties.

Send copy of this order to the trial court for information."

5. Subsequently, the matter in C.C.No.234/2025 having been committed to the Sessions Court in S.C.No.194/2025, the Sessions Court proceeded to pass the impugned order dated 12.02.2026 rejecting the application for custody filed by the petitioners under Sections 497 and 503 of BNSS, 2023, aggrieved by which, petitioners are before this Court by way of the present petition.



6. A perusal of the impugned order will indicate that despite the aforesaid order passed by this Court in Crl.P.No.4339/2025 dated 21.07.2025 allowing the application for custody filed by the petitioners, pursuant to which, the Sessions Court also allowed Crl.R.P.No.77/2025 dated 23.01.2026, thereby directing release of the properties in favour of the petitioners and the said orders having attained finality and become conclusive and binding upon not only the respondents but also the trial court and the Sessions court, the Sessions Court has failed to consider and appreciate the said orders as well as the various documents produced by the petitioners; the Sessions court failed to consider and appreciate that its role was limited / restricted to merely verifying the documents produced by the petitioners and release the properties which were undisputedly seized from the vehicle of the petitioners which had been abandoned by the accused persons, pursuant to the complaint given by the petitioners and in the light of the undisputed fact that the vehicle and properties mentioned in the complaint lodged by the petitioners had been seized by the respondents, the petitioners who had produced several documents



including receipts, bills, invoices etc., were clearly entitled to interim custody of the properties by imposing certain conditions.

7. It is also relevant to state that the Sessions Court failed to consider and appreciate that having regard to the undisputed fact that the application for custody of the properties having been allowed by this Court in Crl.P.No.4339/2025 dated 21.07.2025 and reiterated by the Sessions Court itself in Crl.R.P.No.77/2025 dated 23.01.2026 and both the orders having attained finality and become conclusive and binding upon the Sessions Court, the Sessions court was not entitled to reconsider / review / revisit the said orders nor the application filed by the petitioners all over again by passing the impugned order which deserves to be quashed on this ground also. Further, the Sessions court also failed to consider and appreciate the various documents produced by the petitioners which clearly established that they are entitled to custody as ordered by this Court and reiterated by the Sessions Court supra. Under these circumstances, I am of the view that the impugned order passed by the Sessions Court dated 12.02.2026 in S.C.No.194/2025 deserves to be set aside and Sessions Court be



directed to release the properties to the petitioners, subject to certain conditions to be imposed in this regard.

8. In the result, I pass the following:-

ORDER

(i) Petition is hereby allowed;

(ii) The impugned order dated 12.02.2026 passed in S.C.No.194/2025 by the VI Addl.District and Sessions Judge, Tumakuru, is hereby set aside.

(iii) The Sessions court is hereby directed to release the subject properties / articles sought for by the petitioners immediately upon receipt of a copy of this order, subject to the following conditions;

(a) The Sessions Court shall ensure that photography and videography of the subject properties / articles are taken prior to release in favour of the petitioners;

(b) The petitioners shall execute indemnity bond(s) in favour of the Sessions Court for the purpose of obtaining release of the subject properties / articles;



(c) The petitioners shall produce the subject properties / articles as and when required by the Sessions Court and shall not change or alter their nature or character in any manner whatsoever.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

SS/SRL
List No.: 1 Sl No.: 2