

**IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS - VII,
NEYYATTINKARA**

Present:Sri. Praleen.R

Judicial First Class Magistrate-VII, Neyyattinkara

Monday, the 6th day of April, 2026/16th Chaithra, 1948

CMP. 2/2026 in Crime No. 1454/2025 of Kovalam Police Station

in CP 11/2026

Petitioner : Kumar S, aged 43 years, S/o Sadasivan
Chanavila Theriyil Veedu, Vellar
Kovalam P O, Thiruvananthapuram

(Rep By Adv. Vishnu Vikraman & Adv.Balaram S)

Counter : State - represented by the Sub Inspector of Police,
Petitioner Kovalam police station.

*[Rep. by Sri Sujith Chandran R, Asst. Public Prosecutor,
Neyyattinkara]*

Order : Petition is allowed.

ORDER

Petition filed U/S. 497 of Bharatiya Nagarik Suraksha Sanhita.

2. Petitioner's case in brief is as follows:- Petitioner is the owner of 'Oppo' Mobile Phone. Kovalam police seized this article in connection with Crime No.1454/2025 and produced before the court as T.No. 10/2026. Now this article kept at this court. If it kept idle, it will be ruined. Thus this petition.

3. Investigation Officer filed report stating that he has no objection in releasing the mobile to the petitioner.

4. Heard both sides. Perused the records. Petitioner is the owner of the said mobile phone. Investigation regarding the said mobile phone is over. Prosecution has no dispute as to the ownership of this mobile phone. So, the further detention of this mobile phone is not required. Petitioner is the most competent person to get the interim custody of the mobile phone. Hence, the 'Oppo' Mobile phone is released to the petitioner. Thus, this petition is liable to be allowed.

In the result, this petition is allowed subject to following conditions:-

- 1) Petitioner shall execute bond for Rs.25,000/- with two solvent surety for the like sum.
- 2) Petitioner shall not alienate or make the phone any way unidentifiable till the disposal of the case.
- 3) Petitioner shall produce this mobile phone as and when required before this court or Sessions Court as the case may be.
- 4) Petitioner shall produce 3 photographs of the mobile phone attested by petitioner and his counsel with C.D or negatives.
- 5) Petitioner shall produce certificate U/s.63 (iv) of the Bharatiya Sakshya Adhinyam of the photographs and C.D.
- 6) Petitioner shall produce his ID proof for perusal.

Dated, this the 4th day of April, 2026.

Sd/-
Judicial First Class Magistrate – VII
Neyyattinkara

//True Copy//

Judicial First Class Magistrate – VII
Neyyattinkara