

IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS- II,
NEDUMANGAD

**Present : Smt.Akshaya.P.R., Judicial Magistrate of First Class Magistrate-II,
Neumangad**

Monday, 18th day of May, 2026

C. M. P. No.225/2026 in Nedumangad P.S.Crime No.114/2026)

Petitioner : Ansar,S/o.Nasar,
Marhaba, AP5/253,Toll junction,
Chullimanoor.P.O.Nedumangad,
Thiruvananthapuram

(By Adv. Sri. M.Shajudeen)

Respondent : State, represented by the Station House Officer,
Nedumangad police station.

(By Smt.Little Flower,A., A.P.P .Sr.Gr.)

Section : Under section 497 of BNSS, 2023

Order : Allowed

ORDER

1. This is a petition filed by the petitioner seeking interim custody of the (i)debit cards of Indian Overseas Bank 2055,(2) 6033, (3) 7340,(4)debit card of Union bank No.9398, (5) Debit card of SBI 8595, (6)debit card of Canara bank 7045, (7)debit card ofSBI9353,(8) debit card of Federal bank 4828,(9) DSPN7626 M pan card,(10)BHY PN 9285 J pan card,(11) RC of KL 21Y 5251, (12)driving license No.DL No.KL 012022001125,(13) aadhar card(207865487248),(14) green purse,(15) Allensolly wristwatch, (16)Redmemobile phone,(17)Vivo mobile phone, (18)i phone which were seized in this case, under section 497 BNSS,2023. .

2. Contentions of the Petitioner

Petitioner is the owner of the above said items in this case. The case is one registered against the accused under s.296(b),351(3),109 of BNS which was a false case. The said vehicle and mobile are produced before the Court, which was received as T. R. No. 311/2026. The investigation of the crime is over and no purpose would be served by the further custody of the said items. Hence the said items be released to the Petitioner, it was sought for.

3. Report of the Investigating Officer

Investigation Officer has no quarrel with the detailing of the crime, as made by the Petitioner. It is also beyond any cavil that the police had seized the items detailed in the application and that it was produced before the Court. Investigating Officer has filed report stating that inspite of repeated demands accused had not appeared before the police station to receive the above items.

4. Heard both sides.

5. Reckoning the rival contentions of the parties, the following Points are raised for consideration:

- 1 Is the Petitioner *prima facie* entitled to possess the subject matter properties?
- 2 Is the Petitioner entitled to get the interim custody of the subject matter property?
- 3 If yes, what shall be the terms of such custody?

6. Point Nos. 1 - 3:

There is no cavil as to the fact that the mobile seized belongs to the Petitioner . Hence, there is no need for elaboration to find that the Petitioner is the person best entitled to the interim custody of the above items . On a conspectus of all these aspects, it is indubitable that the Petitioner is entitled to possess the scheduled article.

7. From the words in use in 497 of the Bharathiya Nagarik Suraksha Sanhitha, 2023 “.....*the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the investigaiton,inquiry or trial.*”, it is clear that the Court is vested with a discretion to pass an order as it thinks fit for the proper custody of the property. Therefore, the inquiry contemplated under 497 of the Bharathiya Nagarik Suraksha Sanhitha, 2023 ., “..... is not an elaborate, in-depth inquiry. Rather a *prima facie* satisfaction about the entitlement for immediate possession of the property by the petitioner will suffice. From the analysis made afore, the said requisite is satisfied here. That being the position, it is ineluctable that the Petitioner is entitled to get the interim custody of the mobile phone.

8. The articles that form subject matter of this application may be required for the purpose of trial. Hence there shall be a direction to preserve the same, *pendente lite*. The learned counsel for the petitioner further submitted that the above above items is highly essential for the petitioner. These being the backgrounds, I am of the view that interim custody of the above mentioned items shall be granted to the petitioner by imposing following stringent condition.

Point No. 1 to 3 are so answered.

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In the result, this application is allowed on the following terms:

- The (i)debit cards of Indian Overseas Bank 2055,(2) 6033, (3) 7340, (4)debit card of Union bank No.9398, (5) Debit card of SBI 8595, (6)debit card of Canara bank 7045, (7)debit card ofSBI9353,(8) debit card of Federal bank 4828,(9) DSPN7626 M pan card,(10)BHY PN 9285 J pan card,(11) RC of KL 21Y 5251,(12)driving license No.DL No.KL 012022001125,(13) aadhar card(207865487248),(14) green purse,(15) Allensolly wristwatch,(16)Red mi mobile phone,(17)Vivo mobile phone, (18)i phone shall be released to the interim custody of the Petitioner, on him executing a bond of Rs. 45,000/- (Rupees Forty Five Only) with two solvent sureties each for the like sum.
- The petitioner shall produce photographs of the above items and bill from the studio. The photographs to be attested by the petitioner and the learned counsel in the presence of C.M.O. of the court.
- The petitioner shall not alienate, transfer or alter the mobile phone without the permission of the court.
- *The petitioner shall produce the above items as and when required by the court.*

(Pronounced by me in open court on this the 18th day of May, 2026)

Sd/-
Judicial First Class Magistrate- II
Nedumangad.

(True copy)

Judicial First Class Magistrate- II
Nedumangad.