

IN THE COURT OF THE JUDICIAL MAGISTRATE, PALLADAM

**Present: Tmt.S.Sapna, B.B.M.,L.L.M.,
Judicial Magistrate, Palladam,
Monday 25th day of May 2026
E-CRLMP.No. 268 of 2026
(CNR.No.TNTI11 001341 2026)**

Rajkumar (age 45),
S/o. Subburaj,
4/112 Arakulam,
Paruvai, Palladam,
Tiruppur.

.... Petitioner /Owner of the property/ Complainant

//Vs//

State rep by Inspector of Police
Palladam, Police Station,
Cr.No.384/2026
U/s.304(2) BNS

....Respondent / Complainant

Petition filed U/s 497 and 503 of BNSS Act to return the case property.

This petition is filed on 19.05.2026 by the counsel for the petitioner Mr.Subash Arjun, Advocate for interim custody of the case property. Notice issued to learned APP and concerned SHO. Upon considering the case records this court delivers the following.

ORDER

The petition is filed by the petitioner Under section 497 and 503 of B.N.S.S with prayer to return the case property Samsung Galaxy SM-A127F/DS seized in connection with Cr.No.384/2026 registered U/s.304(2) BNS of Palladam, Police station.

2.The learned counsel for the petitioner has submitted that the Complainant lodged a complaint at Palladam police station, registered as crime no.384/2026 under section 304(2) of BNS ACT. The respondent filed FIR against the accused in above crime number. In the said incident the Complainant was robbed of Samsung Galaxy. The petitioner mobile phone was seized from the accused by the respondent is the owner of the said Samsung Galaxy and can produce relevant documents to this Hon'ble court. The respondent Police have produced the properties before this honorable court. This Petition is filed to return to Samsung Galaxy which is sought in the petition to be return back to me. Unless the petition is allowed this petitioner will cause Irreparable loss and Injury. The respondent will not suffer anything. The petitioner/complainant respectfully submits that no prejudice will be caused to

anybody in returning the property to the petitioner. The Petitioner will undertake to execute the bond to produce It whenever required by this Honorable Court.

3. The Learned APP filed reply by stating that the case is still pending at the stage of investigation. At this stage if the property is returned to the petitioner he will destroy or destruct the property. Hence, the respondent filed objection.

4. Heard Both sides, Records perused. This court carefully perused the complaint, the case property of Samsung Cellphone was seized in respondent police station. There is no dispute regarding the ownership of property. On considering the facts and circumstances of this case. Considering the petitioner is the ownership of the case property. Upon considering the Hon'ble Supreme court Verdicts guidelines held "In Re sundar Bai ambalal Vs. State this court is of view to handover the case property of Samsung Cellphone as interim custody to the petitioner with following conditions.

i) The petitioner shall execute a personal bond for a sum of Rs.10,000/- to the satisfaction of this court.

ii) The petitioner shall not alienate or alter its nature or transfer the property till disposal of the case.

iii) The petitioner shall submit the photographs of the property from four dimension and to be certified U/s 63 BSA.

iv) The petitioner shall produce the property at the time of trial before this court and also as and when directed by this court.

v) The petitioner shall execute the Panchanama in judicial Form No.82 in accordance with law.

vi) The petitioner should be identified by the petitioner counsel and the Investigation Officer.

Accordingly this petition is allowed.

Judicial Magistrate,
Palladam.