

**IN THE COURT OF THE ADDL. DISTRICT & SESSIONS JUDGE-II,
MAVELIKARA**

Present: Sri.K.N. Ajithkumar, Addl. District & Sessions Judge-II

Monday the 17th day of February, 2025/28th Magha, 1946

Crl. M.P. No.242/2025 in SC.No.1399/2024

(Filed on : 03.02.2025)

Petitioner/ : Susheela, aged 67 years,
Defacto Complainant W/o.Pankajakshan,
Susheela Bhavanam,
Kandalloor Thekkum Muri,
Kandalloor Village,
Karthikappally Taluk.

(By Adv. Silju K.P.)

Respondent : The State of Kerala represented
by SHO Kanakakkunnu through
the Additional Public Prosecutor,
Mavelikara.

This petition has been filed by the victim u/s 497 of BNSS.

This petition finally having been heard on 15.02.2025 and the court on the 17.02.2025 passed the following:-

ORDER

The above Crl.MP has been filed by the victim u/s.497 of BNSS.

2. The petitioner submits that the gold ornaments stolen by the accused have been recovered and produced in the Court, and she claim ownership of these ornaments, seeking their release.

3. The prosecution has submitted a report confirming that the gold ornaments belong to the victim, and as the investigation is now complete, the prosecution requests that the Court pass appropriate orders regarding the ornaments' release.

4. On perusal of records, the prosecution case is that the accused trespassed in to the house of the victim and committed offences punishable u/s.332(b), 309(6), 351(3), 64(1), 127(2), 238(b) and 324(3) of BNS.

5. Considering that the gold ornaments stolen by the accused have been recovered after his arrest, and the ornaments belong to the victim, this Court holds that the victim is the rightful person entitled to interim custody of the property.

6. Accordingly, the petition is allowed, and interim custody of the article is granted to the victim subject to the following conditions:

i. Interim custody of the gold ornaments are granted to the petitioner pending the conclusion of the trial.

ii. The SHO Kanakakkunnu Police Station is directed to prepare an inventory of the gold ornaments detailing its description, weight and other relevant details and submit the same to this court within three days.

iii. The petitioner shall execute a bond of Rs.1,00,000/- to ensure the safe return of the property.

iv. The petitioner shall not sell, dispose of or encumber the property in any way during the interim custody period.

v. The order shall remain in force until further order of this court.

vi. The petitioner shall return the ornaments to the Court as and when required by the Court.

vii. The SHO shall take three photographs for each items separately in three different angles and three photographs collectively for all items. Take videograph on mobile phone or any electronic media. The mobile recording and the photographs with Section 63 of the BSA certificate to be produced along with the inventory.

viii. The Magistrate, where the ornaments are being kept, shall sign the inventory and the photograph proving the correctness.

[Dictated to the Confidential Assistant, transcribed by her, Corrected by me and pronounced in open court, this the 17th day of February, 2025.]

Sd/-

**K.N. AJITH KUMAR
Additional Sessions Judge - II**

Appendix : Nil

Id/-

Additional Sessions Judge - II

