

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,  
NJARAKKAL**

Present:- Smt.Anupama S. Pillai, Judicial First Class Magistrate

Dated this, the 05<sup>th</sup> day of June, 2026.

**C.M.P.02/2026 in CC 120/2026 in Crime No.229/2026 of MUNAMBAM  
Police Station**

Petitioner : Benny P. S ., S/o Jose,  
Puthussery House,(H) South Aduvassery,  
Kunnukara, Chengamanad , Ernakulam Rural,  
Kerala.

**[By Adv.P.N.Thankaraj]**

Cr. Petitioner : State of Kerala represented by SI of  
Munambam P.S, Crime No.229/2026.

**[By APP Njarakkal ]**

Section of law : U/s.497 of BNSS.

Offences : U/Ss. 331(4), 305 BNS.

**ORDER**

- 1) This is a petition filed by the petitioner / complainant under Section 497 of BNSS for the interim release of 200 currency notes of ₹100 denomination, 47 currency notes of ₹50 denomination, 49 currency notes of ₹20 denomination and 61 currency notes of ₹10 denomination aggregating to a total sum of **₹23,940/- (Rupees Twenty Three Thousand**

**Nine Hundred and Forty Only )**, involved in Crime No.229/2026 of Munambam Police Station, produced before this Court in **T.R. No.122/2026** and presently lying deposited in the Criminal Court Deposit Account of this Court.

- 2) **Petitioner aver in brief as follows:-** The petitioner is the de facto complainant in the above case. The crime was registered against the accused for the offences punishable under Sections 305 and 331(4) of the Bharatiya Nyaya Sanhita, and the investigation has been completed and a final report has been laid before the Court. During the course of investigation, the Investigating Officer took into custody cash belonging to the petitioner, comprising 200 currency notes of ₹100 denomination, 47 currency notes of ₹50 denomination, 49 currency notes of ₹20 denomination and 61 currency notes of ₹10 denomination, aggregating to a total sum of ₹23,940/-. The said amount was produced before this Court and is now kept in judicial custody as property in T. No. 122/2026. The aforesaid amount belongs exclusively to the petitioner and no other person has any claim over the same. The amount is presently lying idle in Court custody. Hence, the petitioner seeks release of the said amount of **₹23,940/- (Rupees Twenty Three Thousand Nine Hundred and Forty Only )** to him on executing a bond. Hence the petition is filed.
- 3) **The prosecution case in brief as follows:** On 01.03.2026, at some time between 3.00 a.m. and 5.00 a.m., at the office building of the Indian Oil Petrol Pump owned by one K.A.Earnest and conducted by CW1, situated on the eastern side of the Vypin–Munambam State Highway at Kacherippady , the accused broke open the lock of the grill gate of the establishment, trespassed into the office building and dishonestly removed and took away the sum of ₹25,000/- kept on the table inside the office, thereby committing theft. Thus, the accused alleged to have committed the offences punishable U/Ss. 331(4), 305 BNS.
- 4) The Sub Inspector of Munambam PS filed report that, at the time when

the accused was taken into custody in connection with this case, a sum of ₹23,940/- found in his possession was detailed in the inspection memo, taken into custody and produced before this Court. It is further submitted that the said amount is presently under the custody of the Court.

- 5) Heard. Perused the petition and the report submitted by the Investigating Officer.
- 6) The report of the Sub Inspector of Police, Munambam Police Station, reveals that at the time when the accused was taken into custody in connection with the case, a sum of ₹23,940/- found in his possession was seized under the inspection memo and produced before this Court.
- 7) A perusal of the final report shows that the prosecution itself has specifically described the aforesaid sum of ₹23,940/- as the stolen property involved in the crime.
- 8) The object of Section 497 BNSS is to ensure proper custody and preservation of property pending inquiry or trial and to avoid unnecessary retention of property in Court custody when its interim release would not prejudice the proceedings.
- 9) Money is not a material object requiring physical identification in the same manner as other articles. Retention of currency in Court custody for a prolonged period serves little practical purpose, particularly when the investigation has already been completed and the final report has been laid before the Court.
- 10) In the present case, the prosecution itself treats the amount of ₹23,940/- as the stolen property recovered in connection with the crime. The petitioner is the de facto complainant from whose establishment the money is alleged to have been stolen. No rival claimant has come forward claiming entitlement over the said amount.
- 11) Hence, having regard to the nature of the property, the stage of the proceedings and the materials presently available on record, this Court is satisfied that interim custody of the amount can be entrusted to the

petitioner, subject to adequate safeguards to secure production of the value thereof, if required during trial.

In the result,

**The petition is ALLOWED**

***The amount of ₹23,940/- (Rupees Twenty Three Thousand Nine Hundred and Forty Only) deposited in the Criminal Court Deposit Account in T.R. No.122/2026 shall be released to the petitioner on the following conditions:***

- i. *The petitioner shall execute a bond for ₹.23,940/- (Rupees Twenty Three Thousand Nine Hundred and Forty Only) with two solvent sureties each for the like sum to the satisfaction of the Court.*
- ii. *The petitioner shall file an affidavit before this Court undertaking to produce the amount or its value as and when directed by this Court and further undertaking to abide by the final orders that may be passed regarding the property.*
- iii. *The petitioner shall produce satisfactory proof of identity before release of the amount.*
- iv. *Release of the amount shall be subject to the result of the case and shall not amount to a final adjudication regarding ownership or entitlement to the property*

*(Typed by me, corrected by me and pronounced in open court, this the 05<sup>th</sup> day of June, 2026 )*

Sd/-

Judicial First Class Magistrate  
Njarakkal

/// true copy ///

Judicial First Class Magistrate  
Njarakkal