

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -I
KANJIRAPPALLY**

Present:-Arsha Mary Margret, Judicial First Class Magistrate-I, Kanjirappally

Monday, the 20th day of April, 2026

CMP.No.3/2026

in

(in Cr.111/2026 of Pallickathodu Police Station)

Petitioner : Akhil P.S., aged 30, S/o Sabumon P.G.
Panapuzha House, Kodungoor, Vazhoor P.O.,
Vazhoor village
(By Adv. Sri.Justin Augustin)

Counter Petitioner : State represented by the SHO of police,
Pallickathodu police station.
(By APP – I, Kanjirappally)

This petition having been heard on 17/04/2026, the court on 20/04/2026 passed the following:

ORDER

This petition is filed under Section 497 of BNSS.

2. Petitioner's case in brief is as follows:- The petitioner is the complainant in crime No.111 of 2026 of Pallickathodu police station. The offences alleged against the accused is punishable u/s.305(a) of BNS. The petitioner is engaged in delivering the pension amount which is distributed through the Vazhoor cooperative bank to the pensioners in ward no.3 of Vazhoor

panchayat. On 01/02/2026, the accused had stolen the pension amount of Rs. 1,00,000/- from the shoulder bag of the petitioner. The amount seized by the police in connection with this crime is the pension fund meant for disbursement to eligible beneficiaries. Hence this petition to release the currency notes of Rs.1,00,000/- to the petitioner herein for disbursing the same to its beneficiaries.

3. Respondent filed report reiterating prosecution case and submitted that there is no doubt regarding the fact that amount of Rs.1,00,000/- seized from the accused was the amount withdrawn by the defacto - complainant from Vazhoor Farmer's Service Co-operative Bank for disbursement to pensioners. No objection is raised by the prosecution for releasing the same to the defacto complainant.
4. Heard both sides. Perused the records.
5. As per records, an amount of Rs.1,00,000/- appears to have been produced before this court as 100 numbers of Rs. 500 currency notes, 500 numbers of Rs. 500 currency notes. The said amount of Rs.1,00,000/- was received as Item Nos.2 and 3 in Thondy No. 40/2024. According to the petitioner, he is engaged in delivering the pension amount distributed through the Vazhoor Co-operative Bank to the pensioners in ward no.3 of Vazhoor grama panchayat. There is no cavil regarding the fact that the amount was stolen from the defacto complainant. The prosecution has no objection towards the release of the said amount. Further the same is necessary for distribution to eligible pensioners. In such circumstances, this court is inclined to allow the release of the amount of Rs.1,00,000/-.
6. Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023 states as follows, "The court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the investigation inquiry or trial". Thus, the provision clearly indicates that the court is vested with a discretion

to pass such order as it thinks fit for the proper custody of the property. The inquiry contemplated under Section 497 of the act is not a roving, in-depth inquiry, but rather a prima - facie satisfaction about the entitlement for immediate possession of the property by the petitioner. In view of the observations made above, the said requisite is satisfied by the petitioner. Thus, this court is inclined to allow release of the aforesaid cash seized.

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

- i. The petitioner shall execute a bond for Rs.1,00,000/-(Rupees One lakh only) with 1 solvent surety for the like sum.
- ii. The petitioner shall produce an amount of Rs.1,00,000/- (Rupees One lakh only) if so required by this Court.
- iii. The petitioner shall produce sufficient proof which shows that he is engaged in distribution of pension amount through Vazhoor Co-Operative bank to the pensioners of ward no.3 of Vazhoor grama panchayat.
- iv. The petitioner shall produce his original ID proof for perusal.

(Pronounced in the open court on this the 20th day of April, 2026).

Sd/-

Arsha Mary Margret
Judicial Magistrate of the First Class-1
Kanjirappally