

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS
IRINJALAKUDA**

Present: **Smt. Deepa Mohanan, Judicial First Class Magistrate**

Dated this, the 07th day of April, 2026

Crl.MP 11833/2025 in CC 3017/2016

Claim Petitioner : Thumbur Service Co-operative Bank No. 359 – Rep.
by Secretary – Manoj K.S., S/o Sreedharan,
Kolangara house, Thumbur desom, Kottanellur
village, Mukundapuram taluk.

(Rep. By Adv. M.M. Shajan)

Respondent : State rep. by the SHO, Irinjalakuda Police station.

(By A.P.P. Sr. Grade, Irinjalakuda)

ORDER

1. This is a petition filed u/s. 497 of Bharatiya Nagarik Suraksha Sanhita, 2023 (In short “BNSS”) for interim custody of the spurious gold ornaments involved in CC 3017/2016 (Crime No.403/2016 of Irinjalakuda Police Station) for the offences under Sections 420 of IPC and taken on file as PI No. 319/2016 of this Court.

2. Petitioner submits that he is the exclusive owner of the above gold which was seized by the police as part of investigation of this case and received by this Court as **PI: 319/2016**. The accused in this case had pledged the above said spurious gold ornaments in Thumbur Service Co-operative Bank, Patteppadam branch and thereby swindled an amount of Rs. 1,60,000/- from

the society. Hence the petitioner prays for releasing the same on interim custody. He is ready to accept any condition that may be imposed by this Court. Hence, the petition.

3. Report is filed by the Sub Inspector of Police, Irinjalakuda Police Station stating that the petitioner is the defacto complainant in the above crime. The accused had swindled the defacto complainant by pledging spurious gold ornaments at Thumbur Service Co-operative Bank, Patteppadam branch, where the defacto complainant working as its secretary and thereby availed an amount of Rs. 1,60,000/-. The police seized the ornaments as part of investigation, produced before the Court and received as **PI No. 319/2016** of this Court. The accused in this case is no more and charge against him is abated and case closed. No objection is raised against the petition.

4. Heard both sides and perused the records.

5. On going by the records, it is seen that the case was disposed off and charge against the accused was abated. Petitioner is the defacto complainant in the case. There is no dispute regarding the petitioner's ownership over the spurious gold involved in this crime and also no specific objection is seen filed by the investigating officer. Learned APP has not raised any objection in allowing the petition. Hence being satisfied that the petitioner

is the best entitled person to get the custody of the spurious gold involved in the above said case, the petition is allowed subject to the following conditions:

6. Petitioner shall execute bond for an amount of ₹ 5,000/- (Rupees Five thousand only) with two solvent sureties each for like amount. The released spurious gold ornaments shall not get indulged in the commission of similar offences in future. After executing bond, release the spurious gold ornaments to the petitioner on proper acknowledgment of the same.

(Pronounced by me in open Court on this the 07th day of April, 2026.)

sd/-
Deepa Mohanan
Judicial Magistrate of First Class
Irinjalakuda