

IN THE COURT OF JUDICIAL MAGISTRATE, SULUR.

Presence : **Thiru.T.Arunkumar, M.A.,M.L.,M.B.A.,**
 Judicial Magistrate,
 Sulur.

Monday, the 02nd Day of June 2025

CMP No.343 of 2025

Mr.John Victor(45/2025)

S/o.Mr.Jesudas

.... Petitioner/owner of the property/Accused
 /Vs/

The State of Tamil Nadu,

Rep. by the Inspector of Police

PEW Periyanaickenpalayam P.S

Cr.No.66/2025 u/s.4(1)(A) TNP Amendment Act and

7 TNRS Rules 2000

....Respondent/Complainant

This petition came for final hearing before me in the presence of Thiru.S.Rajendran, B.A.,B.L., learned counsel for the petitioner and Tmt.K.Jayanthi, M.B.A., B.L., learned Assistant Public Prosecutor for the State and on hearing both sides, this court delivered the following :

ORDER

The petitioner has filed this petition seeking interim custody of the petitioner's property **(i.e), Motorola Phone-1 No..** The Learned Counsel for the petitioner would contended that the petitioner is in need of the above said property for his use and that the petitioner is ready to obey any condition imposed by this court if the property is released on interim custody to the petitioner herein. Hence, the petition may be allowed.

2. The Learned Assistant Public Prosecutor and the respondent police filed reply stating that if the cell phone is handed over to the petitioner, he will sell and will not produce at the time of trial and hence, objected to give the property to the petitioner on interim custody.

3. On perusal of records, it is revealed that the petitioner is the owner of the property **(i.e), Motorola Phone-1 No..** Further, the above said property involved in Cr.No.66/2025 was recovered by the respondent police from the accused on 19.02.2025 and produced before this court on 28.02.2025 and numbered as **RPR No.45/2025.** Under this facts and circumstances and considers the dictum laid down in **Sundarbhai Ambalal Desai Vs State of Gujarat by the**

Hon'ble Apex Court, this court is inclined to grant interim custody of the case property **(i.e), Motorola Phone-1 No..**

4. In the result, this petition is allowed and the property **(i.e), Motorola Phone-1 No.** is returned to the petitioner on interim custody with the following conditions.

- i).**that the petitioner/owner shall produce the case property as and when required by this court or appellate court.
- ii).** that the petitioner/owner shall take and produce colour photograph of the property at his cost and to file the negative or compact disk with 3 prints (one print to keep in the court bundle record, one is to hand over to the concerned police for CD file and another one is to the petitioner) and on the reverse side of the photograph the petitioner shall made an endorsement to that effect that the property in the photograph is that of the case property and the petitioner will not dispute the identity of the property in the photograph at the time of trial and the same may marked at the time of the trial. The Head Clerk of this Court shall attest the photograph to that effect that the image is the photograph is of then case property.
- iii).** For due observation of above conditions the petitioner shall furnish own bond for Rs.10,000/-.

Pronounced by me in open Court this the 02nd day of June 2025.

(Sd/-).T.Arunkumar

Judicial Magistrate,
Sulur.