

**IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL
MAGISTRATE, ANNUR.**

**Present: Tmt.V.Monika, B.A., B.L., L.L.M.,
District Munsif Cum Judicial Magistrate, Annur.**

Crl.M.P.No.62/2026

in

Cr.No.346/2025

On this Wednesday, the 11th day of March, 2026

Palanisamy (63) S/o.Perumal Gounder,
No.1/108E, Amman Nagar,
Otterpalayam, Annur,
Coimbatore.

...Petitioner/Defacto Complainant

/Vs/

State rep by
The Sub Inspector of Police,
Annur Police Station,
Cr.No.346/2025 (u/s. 331(3),
331(4), 305(a) of BNS)

...Respondent/Complainant Police

This petition for return of the interim custody of the case Property,i.e., **Gold Nuggets 8 Grams** was filed by the Petitioner/Defacto Complainant, is coming before this court for final hearing in the presence of learned Advocate Mr.K.Chandrasekar for the Petitioner and learned APP Grade – I Mr.Akbar Raja for the prosecution and after perusing the petition and the records of the case, having stood over for consideration of this court till this day, this Court delivers the following:

ORDER

The petitioner is the owner of the case property of the above said Crime No.346/2025 of the Annur Police Station. This petition was filed under section of 497 r/w 503 of BNSS, for seeking the relief of return of the interim custody of the petition mentioned Property **Gold Nuggets 8 Grams**, which was seized by the respondent police.

2. Petition Averments in brief:

This petition was filed by this petitioner in the capacity of the owner of the case Property namely the **Gold Nuggets 8 Grams**, which was seized by Annur Police Station in Cr.No.346/2025 (u/s. 331(3), 331(4), 305(a) of BNS). The petitioner stated in the petition that, she is ready and willing to produce sufficient sureties for returning of her property. Further the petitioner stated that the court may pleased to pass an order to direct the respondent to handover the mentioned case property **Gold Nuggets 8 Grams**, which is in the custody of the respondent to the custody of this court. Hence it is prayed that this petition may be allowed.

3. Notice issued to the learned A.P.P, the Respondent Police and their reply received. The learned A.P.P. replied that he has no objection to handover the property towards the owner on opt condition deem fit. The Respondent police replied that the investigation of this crime number is still pending and he opposed to handing over the property found in the case to the rightful owner, he will not hand it over during the court hearing. So, the respondent police objected to return the petition property to the petitioner.

4. Discussion and Decision

Heard both sides and the records perused. This Petitioner filed this petition by stating that she is the owner of the property (**Gold Nuggets 8 Grams**) pertaining to this crime number. This petition also filed by the petitioner for the interim custody of **Gold Nuggets 8 Grams**. The respondent police and the learned A.P.P. never denied the ownership of the petitioner over the case property, on contrary to that the complainant police admitted that the property belonged to the petitioner. From the records, it is also came to know that she is the defacto-complainant of this crime number.

If the property is kept under the police custody or court custody till the disposal of the case, there will be no purpose for that and it will cause burden to the defacto complainant/Petitioner, who is the victim. Further there will be no sufficient cause to

hold the custody of petition mentioned property. Hence, after considering the facts and circumstances, this court is inclined to return the case Property - **Gold Nuggets 8 Grams** to the petitioner as an interim custody in the interest of justice with the following conditions,

- (i) The petitioner shall execute his own bond, for the value of Rs.20,000/-.
- (ii) The petitioner shall produce a photo-copy of the Property. To be attached by the photo copy of the property shall be attested by the petitioner and the Petitioner counsel.
- (iii) The panchanama shall be prepared for the Property. The petitioner shall not alienate the Property for any purpose till the disposal of the case.

Dictated to the Typist and typed by her, corrected and pronounced by me in open court on this 11th day of March, 2026.

Sd/-V.Monika
District Munsif cum Judicial Magistrate,
Annur.