

IN THE PRINCIPAL COURT OF SESSIONS AT CHENNAI

Present: Thiru.S.Karthikeyan, M.A., M.L., M.Sc., P.G.D.C.F.Sc., P.G.D.D.F.,

Principal Sessions Judge.

Wednesday, the 18th day of February, 2026

Crl.M.P.No.17/2025

in

S.C.No.425/2024

S. Ajaykumar,
S/o. Sohan Lal

...Petitioner / Third Party

Vs.

1. The State Rep. by
The Inspector of Police,
K-1, Sembium Police Station,
Chennai.

...Respondent / Complainant

2. Nagendran and 30 others

...Respondents/Accused

This petition is coming on this day before this court for hearing in the presence of M/s. G. A. Girija Venkataramana, the counsel for the petitioner and of the Special Public Prosecutor for the respondent police and upon hearing both sides arguments and upon perusal of case-records and having stood over for consideration till this day, this Court delivered the following:

ORDER

The Petitioner/3rd Party has come up with the present application u/s.451 Cr.P.C./497 BNSS seeking for interim custody of pledged jewels i.e. 80 grams of Gold Bracelet.

2. The Petitioner/3rd Party in his petition submitted as below:

a. The Petitioner was running a pawn broker shop in the name SOHANLAL PAWN BROKER shop at No. 156, PH Road Thiruninravur for more than 28 years with all the license as per government norms to do the business.

- b. One of his well known customers by name Arul who is 4th Accused in this SC.425/2024 often pledged and redeemed his jewels in the petitioner shop.
- c. In the Month of December 1-2023, the said Arul who is resident of Thirunnindravur, and he has been identified as Lawyer in that area came and Pledged 80 grams Gold bracelet stating that it is his Bracelet and need money urgently and immediately.
- d. Trusting the words of Arul immediately he arranged money to the tune of 3,56,000/-(Three lakh fifty six thousand only-) after taking the jewel on pledge on 15th July.
- e. On 13th of August 2024, K-1 Sembiam police came to the Petitioner shop and enquired about Arul-A4 and the Jewels pledged by Arul. Petitioner revealed about the property pledged by Arul.
- f. The Respondent police summons to appear on 12/8/2024 following which after enquiry took the Property from the Petitioner custody on 19/8/2024 and gave the seizure mahazar attached herewith.
- g. The Petitioner paid the value for the property in cash to the said Arul A4 a sum of Rs.3,56,000/- and when respondent police informed about the offence and took the property from the Petitioner custody.
- h. The petitioner is filing this petition for interim custody of the recovered jewels.
- i. The police also recovered the Pledged Jewels i.e. 80 grams gold bracelet the Petitioner shop stating that Arul is Accused in Cr.No.293/2024 and the property will be in the custody of the court.

Hence, prays to direct the respondent police to give interim custody of the recovered jewel till the disposal of this case to the custody of the petitioner.

3. Notice was issued to the respondents.

4. The Learned Special Public Prosecutor appearing for the state in his counter contended as below:

a. The petitioner has filed this petition under Section 451 of the Code of Criminal Procedure (CrPC) and Section 497 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), seeking interim custody of the property (gold bracelet) seized in the above crime.

b. On 05.07.2024 at about 7:00 PM, one Mr. Armstrong was brutally murdered in front of property situated at Door No. 52/28, Venugopalswami Street, Perambur, Chennai 600011, by an armed gang of about eight assailants. The deceased was savagely attacked on his head, face, hands, and legs, thereby sustaining grievous injuries. Three other persons were also injured in the said occurrence. Mr. Armstrong succumbed to his injuries while being taken to Apollo Hospitals, Greaves Road.

c. Pursuant to the said occurrence, a complaint was lodged by Mr.K.Veeramani, the elder brother of the deceased, on the same day, at about 11:30 PM. Based on his complaint, a case was registered in Crime No. 293/2024 at K1 Sembium Police Station.

d. During the course of investigation, eight accused, namely A4 Arul, A5 Balu alias Ponnai Balu, A6 Ramu alias Vinoth, A7 Thiruvengadam, A8 - Thirumalai, A9 Manna alias Manivannan, A13 Santhosh, and A14 Selvaraj, were arrested on 06.07.2024. Investigation further revealed that relatives and associates of one Arcot Suresh (an "A-category history-sheeter") who was murdered on 18.08.2023 within the limits of E5 Pattinambakkam Police Station) suspected Mr. Armstrong's involvement in the said murder and conspired to murder him. The conspiracy was led by A4 Arul (a relative and associate of Arcot Suresh), A5 Balu alias Ponnani Balu (brother of Arcot Suresh), and other associates, including A15 Porkodi (wife of late Arcot Suresh).

e. For the purpose of facilitating the murder, it is submitted that A-15 Porkodi handed over her late husband's gold bracelet, weighing 10 sovereigns, to A5 Ponnai Balu through A6 Ramu alias Vinoth. The said gold bracelet was subsequently pledged

by A4 Arul at the petitioner's pawn shop ("Sohanlal Pawn Broker") on 01.12.2023, for a sum of Rs. 3.56 lakhs. The pledged amount was used by A4 Arul to arrange vehicles, rental houses, liquor, ganja, and other necessities for the commission of the crime, as evidenced during investigation.

f. The gold bracelet pledged by A4 Arul at the petitioner's pawn shop was seized from the petitioner as case property on 19.08.2024 and handed over to judicial custody on 25.09.2024 by virtue of an order in A.No.79/2024 passed by the 5th Metropolitan Magistrate Court, Chennai.

g. The gold bracelet in question is material evidence for the prosecution. The said jewel belongs to late Arcot Suresh and it has been handed over to A-5 Ponnai Balu through A-6 Ramu @ Vinodh. Thereafter, A-5 has handed over to A-4 who has pledged the jewel with the petitioner above named. Therefore, entrusting the custody of the said gold bracelet to the petitioner at this stage is impermissible in law.

h. There exists a grave risk of disappearance/disposal/tampering of the property if the same is released to the petitioner. If the jewel is unavailable for trial, the prosecution case would be irreparably prejudiced. The petitioner is neither the owner nor does he have any legal title over the jewel. The interests of justice and the progress of the trial require that the gold bracelet remain in the custody of this Hon'ble Court till the conclusion of the trial. Hence, the above petition may be dismissed.

5. The accused/A-15 is the wife of Arcot Suresh. When she put on notice about this petition, she informed that she has no objection to decide the matter on merits.

6. Petition and counter are perused. Both sides heard.

7. Point for determination

Whether the interim custody of the property recovered from the petitioner herein allegedly pledged by A4 is to be given to the interim custody of the petitioner or not?

8. Answer

8.1. This court has given its thoughtful consideration to the rival submissions put forth by either side. As per the case of the prosecution A-15, who is the wife of the Arcot Suresh has handed over 80 grams of Gold Bracelet owned by Arcot Suresh to A-4 so as to execute the conspiracy of murder of deceased Armstrong. According to the prosecution, A-4 has pledged the same with the petitioner herein and received a sum of Rs.3,56,000/- and the same is utilised as sheet money for the purpose of commission of crime. It is the further case of the prosecution that based on the disclosure statement made by A-4, the prosecution recovered the same from the petitioner herein. The said Bracelet was remanded before the committal court and after committal, remanded to this court and is in the custody of this court.

8.2. Now that the petitioner herein has come up with the present application seeking for interim custody of the said Bracelet on the ground that the petitioner has paid a sum of Rs.3,56,000/- to A-4 on trusting the words of Arul/A-4. Since the jewel was recovered from the petitioner, the petitioner prays for interim custody of the same.

8.3. Per contra, the Learned Special Public Prosecutor has submitted that based on the disclosure statement made by A-4, the Gold Bracelet was recovered from the custody of the petitioner herein and was remanded before the learned V Metropolitan Magistrate, Chennai. The said Gold Bracelet in question is material evidence for the prosecution. The said jewel belongs to Late.Arcot Suresh and therefore entrusting custody of the said gold bracelet to the petitioner at this stage is impermissible in law. According to the learned Special Public Prosecutor, there exists a grave risk of disappearance if the same is released to the petitioner and the jewel is unavailable for trial. The prosecution case would be irreparably prejudiced. The petitioner is neither

owner nor has the legal title over the jewel. Therefore, he prays for dismissal of the petition.

8.4. The said Gold Bracelet weighing 80 grams said to belongs to the husband of A-15 Late. Arcot Suresh. Even according to the case of the prosecution, the said Gold Bracelet was handed over to A-4 by A-15 for the purpose of execution of conspiracy of murder of deceased Armstrong. The said property was pledged by A-4 to the petitioner herein and a sum of Rs.3,56,000/- was obtained by A-4. It is pertinent to mention here that A-4 has not pledged any stolen Gold Jewel and therefore, the petitioner herein, who had taken the same on pledge by giving consideration, has charge over the said gold jewel. Though the prosecution has objected to hand over the interim custody of the gold jewel to the petitioner herein, the Hon'ble Apex Court in Sundarbai Ambalal Desai vs. State of Gujrat held that, keeping the valuable articles in the court is not necessary and that the same can be handed over to the owner or any other person authorised to have custody by taking photographs and inventories. Therefore, this court is of the considered view that the said Gold Bracelet can be given interim custody to the petitioner herein on certain conditions. In the result, this petition is allowed and the petitioner is given interim custody of the 80 grams of gold jewel on the following conditions:

(i) that the petitioner shall execute a bond for Rs.8,00,000/- (Rupees Eight Lakhs Only) along with two sureties for the likesum to the satisfaction of this court.

(ii) that the petitioner shall produce the Gold Bracelet as and when required by this court.

(iii) that the petitioner shall not alter or change the nature of Gold Bracelet.

(iv) that the petitioner shall take photographs of the Gold Bracelet and submit before this court.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court, this the 18th day of February, 2026.

PRINCIPAL SESSIONS JUDGE.