

In the Court of the Judicial Magistrate, No.II, Dindigul
Present. Thiru. C.Dinesh Kumar, B.A.LL.B(Hons)., LL.M.,
Judicial Magistrate, No.II, Dindigul
Wednesday 17th day of June 2026
CRLMP.No.1287/2026
CNR No.TNDG03-003265-2026
Cr.No.202/2026 – Thadicombu P.S, Dindigul



Muthupandi (34/2026)
S/o.Raja,
Forest Road,
Theni District.

..... Petitioner/Property Owner

/Vs/

State by : Sub Inspector of Police,
Dindigul Thadicombu P.S. Cr.No.202/2026
U/s.311 of BNS

.....Respondent

Petition filed U/s. 497 of BNSS to return the case property.

This petition has been filed on behalf of the petitioner under section U/s. 497 of BNSS By Advocate Thiru.M.Ramesh, B.A., LLB., for interim custody of the case property and upon perusal of petition, records, and the objection filed by the Respondent /complainant and upon hearing of both sides this court delivers the following

ORDER

1. This petition is filed by the petitioner U/s. 497 of BNSS with a prayer to return the case property of I Phone 17 Pro Max and Amount Rs.90,000/- which were recovered in connection with Cr.No.202/2026 registered U/s.311 of BNS in Dindigul Thadicombu Police Station.

2.The petitioner submitted in the petition that, he used the Grindr app on his Iphone 17 Pro Max mobile phone, through which a male individual spoke to him and invited him to his room. The petitioner then went with the 1st accused on a

motorcycle, at around 09:45 PM, the 1st accused took the petitioner to a coconut grove in Chettinaickenpatti. There, the 1st accused along with the other accused, threatened the petitioner demanding money, abused the petitioner using obscene language, assaulted the petitioner with an iron rod and a wooden log, and forcefully snatched the petitioner's mobile phone, cash, and ATM cards. Regarding this incident, the petitioner lodged a complaint at the Thadicombu Police Station. Based on the complaint, the accused were arrested and I Phone 17 Pro Max and Amount Rs.90,000/- were recovered from the accused, and the same have been produced before this Court under **R.P.R.No.94/2026** and further the petitioner submitted that, he is the absolute owner of the properties recovered from the accused in Cr. No. 202/2026 and the petitioner will give an undertaking that he will not change its features and he will/produce the property as and when directed by the Court. In these circumstances the petitioner prayed for order of interim custody of the case property which was recovered in Cr.No.202/2026 in Thadicombu Police Station, Dindigul.

3. The learned A.P.P. appearing for the state submitted that this case property is very essential to prove the prosecution by marking as M.O. Hence according to the facts and circumstances of this case, this court may be decided on merits in accordance with law.

4. The investigation Officer submitted in written reply that he strongly objected to handing over the case property to the petitioner on the ground that the case is pending.

5. This Court after having carefully verified the case records and documents filed along with this petition and considering the facts and circumstances and the case averments stated in the affidavit filed by the petitioner that, he is the owner of the case property in this case. Upon perusal of records, it is found that on initiation of his complaint I Phone 17 Pro Max and Amount Rs.90,000/- have been recovered by the

police. The petitioner is in need of the property for his personal use, and he is ready to abide any condition imposed by this court, for interim custody of the property.

6.In *Sunderbhai Ambalal Desai Vs. State of Gujarath*, the Hon'ble Apex Court has laid down that in case of properties seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the police stations. Therefore, the property has to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

7.In view of the above, the petitioner is entitled to the interim custody of property I Phone 17 Pro Max and Amount Rs.90,000/- which were recovered in connection with the Cr.No.202/2026 which is numbered as **R.P.R.No. 94/2026** to be returned to the interim custody of the petitioner herein subject to following conditions.

- i. The petitioner shall execute a own bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) and also produce one surety to the satisfaction of this court each for a like sum.
- ii. The petitioner shall not alienate or alter its nature or transfer the property till disposal of the case.
- iii. The petitioner shall submit the photographs of the properties from four dimensions and to be certified U/s.65(b) of Indian Evidence Act.
- iv. The petitioner shall produce the properties at the time of trial before this court and also as when directed by this Court.
- v. The petitioner shall execute the panchanama in Judicial Form No.82 in accordance with law.
- vi. The petitioner should be identified by the Investigation Officer.

Accordingly this petition is allowed.

This order was dictated to steno typist by me, typed by him, corrected and pronounced by me in Open Court today, the 17th day of June 2026.

Judicial Magistrate No.II
Dindigul.