

IN THE COURT OF JUDICIAL MAGISTRATE, HARUR

Proceeded by **Mr. DHINAKARAN.N**, Judicial Magistrate, Harur.

Friday the 08th day of May 2026

C.M.P.No.266 of 2026

in

C.P.No.118 of 2016 in Crime No.479 of 2016

P.R.C.No.6 of 2017

State represented by

The Sub-Inspector of Police,

Harur Police Station

... Complainant

Versus

Veerasamy

... Petitioner/Defacto Complainant

This petition taken on file on 05.05.2026 and coming up for the final hearing today. Upon perusal of records, this court delivers the following.

ORDER

1. This petition has been filed by the petitioner/defacto complainant under Section 497 of the Bharatiya Nagarik Suraksha Sanhita seeking return of a sum of Rs.8,000/- alleged to have been recovered by the police from the accused persons during investigation and now lying in Court deposit.
2. The case of the petitioner as seen from the affidavit filed in support of the petition is that the said amount originally belonged to him and that the accused persons had forcibly taken away the money from his possession by criminal intimidation. It is stated that during the course of

investigation in Crime No.479 of 2016, the police recovered a sum of Rs.8,000/- from the accused persons and produced the same before the Court. According to the petitioner, the said amount pertains to his business funds and unless the same is returned, he would be put to severe hardship and financial difficulty in carrying on his livelihood and business activities.

3. The petitioner has further undertaken that he would abide by any condition imposed by this Court while granting interim custody or return of the amount.
4. A reply has been submitted by the prosecution wherein it is stated that the property may be disposed of subject to appropriate conditions and in accordance with law.
5. Heard the petitioner side and perused the records.
6. On perusal of the records, it is seen that during investigation in the above crime, cash amounting to Rs.8,000/- consisting of sixteen currency notes of Rs.500/- denomination was seized from the accused persons and produced before this Court as case property. Subsequently, owing to demonetisation of the said currency notes, necessary steps were taken through due process and the equivalent value has thereafter been deposited into the Court account maintained at State Bank of India, Harur Branch. It is also seen from the records that the petitioner has furnished his bank account particulars before this Court for the purpose of receiving the amount through proper banking channel.
7. At this stage, it is relevant to note that the petitioner claims ownership over the amount and the prosecution also does not seriously dispute the factum of seizure and production of the said amount before Court.

8. Further, no rival claimant has come forward claiming entitlement over the said money. The Investigating Officer has also not raised any serious objection for return of the amount, except requesting imposition of suitable conditions.
9. The Hon'ble Apex Court as well as the Hon'ble High Courts have repeatedly held that valuable properties and cash amounts should not be allowed to remain idle in Court custody for unduly long periods and that interim return can be ordered whenever proper identification and entitlement are shown, subject to conditions safeguarding production during trial if necessary.
10. In the present case, the proceedings relate to Crime No.479 of 2016 and the amount has remained under Court custody for a considerable length of time. The amount involved is only Rs.8,000/-. Keeping the said amount unnecessarily in Court deposit would serve no useful purpose. On the other hand, return of the amount to the petitioner, who claims to be the victim and owner thereof, would meet the ends of justice, particularly when safeguards can be imposed.
11. This Court is satisfied that the petitioner has made out sufficient grounds for return of the amount.

Accordingly, this petition is allowed.

12. The amount of Rs.8,000/- lying in Court deposit in connection with Crime No.479 of 2016 shall be transferred to the bank account furnished by the petitioner/defacto complainant through proper banking procedure, subject to the following conditions:

- i. The petitioner shall execute a bond for a sum of Rs.8,000/- to the satisfaction of this Court.
- ii. The petitioner shall file an undertaking affidavit that he will reproduce the amount or abide by further orders of this Court, if so directed during the course of proceedings.
- iii. The petitioner shall not dispute the identity or production particulars of the property during trial.
- iv. On compliance of the above conditions, the Head Clerk is directed to take necessary steps for transfer of the amount to the petitioner's bank account through RTGS/NEFT or other approved banking mode and to file a compliance of the same.
- v. After receiving the same in the petitioner account the petitioner has to file an acknowledgment receipt or memo of the same.

Pronounced in open Court on this the 08th day of May 2026.

**Judicial Magistrate,
Harur.**