

**IN THE COURT OF THE JUDICIAL MAGISTRATE, THIRUVADANAI.**

Present : Thiru. J. Antony Rishandev, B.B.A., L.L.B (Hons).
Judicial Magistrate,
Thiruvadanai.

Dated, Thursday the 12th day of March 2026

Cr.M.P. No. 195/2026

in

Cr. No. 24/2026

Sasikala (Age 65/2026)
W/o.Raja
Velangulam,
NaranaMangalam,
Ramanathapuram Tk and District.

..... Petitioner / Complainant

/VS/

Mahindran (Age 34/2026),
S/o.Malaikannan,
Anna Nagar,
Valanthravai,
Ramanathapuram Tk and Dist.

Anbumanikandan (Age 25/2026),
S/o.Muthuramalingam,
8/104, Melavalasai
Regunathapuram,
Kilakarai Tk,
Ramanathapuram Dist

..... 1, 2 Accused

State Rep. By,
The Sub Inspector of Police,
Thiruppalaikudi Police Station.
Cr. No.24/2026

..... Respondent / Complainant

This petition is coming on this day before me for final hearing this court in the presence of Thiru.S.B.Kannan Advocate for the Petitioner/Complainant and Respondent / Complainant Advocate Tmt.S.Judy Angelo Grade – I upon perusing the documents and hearing, this Court makes the following,



Order for Interim Custody of Property

1. Filing of Petition:

This petition is filed under Section 497 and 503 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), seeking interim custody of the property 7-1/2 sovereigns gold chain with dollar which was seized by the Thiruppalaikudi Police Station in connection with Cr.No.24/2026 registered under Section 304(2) BNS. The petitioner has requested that the property be returned on an interim basis, claiming it as her property.

2. Notice and Response:

Upon issuance of notice, the prosecution filed its reply by stating that the investigation is still pending. Further, stated that if the properties are handed back to the petitioner, she will alter the property, which will affect the trial. Further submitted that P.R.Number has not been issued to the concerned property. Hence, the prosecution has prayed for dismissal of this petition.

3. Contentions of the Petitioner:

The learned counsel for the petitioner argued that the 7-1/2 sovereigns gold chain with dollar belongs to the petitioner, and it was seized by the police from the accused in this case. The property is currently held in police custody and P.R.Number has not been issued to the concerned property. Hence, the petitioner sought interim custody of the property subject to appropriate conditions.

4. Legal Considerations:

The court considered the relevant legal provisions under Section 497 and 503, which empowers the court to pass appropriate orders for the disposal of properties during the pendency of the trial. The purpose of Section 497 and 503 is to ensure that the properties are not unnecessarily detained or damaged and should be disposed of in a way that benefits all parties, pending trial.

Furthermore, the Hon'ble Supreme Court, in the case of **Sunderbhai Ambalal Desai v. State of Gujarat** [(2003) 1 CTC 175], laid down specific guidelines for Magistrates to deal with seized properties. The Court emphasized that valuable properties, should not be allowed to deteriorate in



police custody for extended periods. Instead, such properties should be returned to their rightful owners under appropriate terms and conditions, as the owner will act as a trustee or bailee, and the properties can be produced as evidence when required.

5. Assessment of Facts:

In the present case, the ownership of the 7-1/2 sovereigns gold chain with dollar is not disputed. As per the guidelines set forth in **Sunderbhai Ambalal Desai**, the properties should be handed over to the petitioner as interim custody to prevent any deterioration in its condition.

6. Conclusion:

After considering the facts, the guidelines laid down by the Hon'ble Supreme Court, undertaking given the petitioner as to ownership of the 7-1/2 sovereigns gold chain with dollar and the relevant legal provisions under Section 497 and 503, this court is of the opinion that it would be just and proper to hand over the custody of the seized property to the petitioner under certain stringent conditions to ensure that the property remains intact and available for trial.

7. Order:

In view of the above discussion, the petition is allowed, and the case property 7-1/2 sovereigns gold chain with dollar is directed to be handed over to the petitioner as interim custody, subject to the following conditions:

1. The Respondent Police is hereby directed to produce the property before this court to get P.R.Number.
2. Once the P.R.Number is allotted, the petitioner shall execute a bond for a sum of Rs. 10,00,000/- with one solvent surety.
3. The petitioner shall not sell, transfer, or pledge the property in any manner.
4. The petitioner shall not alter the model, color, or any other feature of the properties.
5. The petitioner shall maintain the property in the same condition and produce it before the court as and when required.



6. The petitioner shall pay all statutory dues related to the property as they arise.
7. The petitioner is directed to prepare and produce panchanama describing the identity of the said property.
8. The petitioner shall cause three color photographs of the property to be taken. One copy shall be submitted to the court, one shall be added to the case diary file, and one shall be retained by the petitioner. The petitioner shall endorse on the reverse of the photographs that he will not dispute the identity of the property at the time of trial.
9. The Head Clerk of this court shall attest the photographs to confirm that they depict the property in question.
10. The petitioner and the Head Clerk are directed to appear before this court for recording evidence as and when required.

Dictated to the Typist, directly typed by her in computer, corrected and pronounced by me, this the 12th day of March 2026.

Judicial Magistrate,
Thiruvadanai.