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Crl.M.P.223 of 2026

IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

PRESENT: THIRU. J.KARMEGAKANNAN, B.A., B.L.,

JUDICIAL MAGISTRATE, KARAIKUDI

Thursday, the 12th day of March 2026

Crl.MP.No.223 of 2026

Crime No.38 of 2026

(On the file of Pallathur Police station)

CNR No.TNSV19 – 000 – 514 - 2026

K. Sasikala,

W/o.Karuppaiah

. . . Petitioner/Complainant

Vs

The Sub Inspector of Police

Pallathur PS

Cr.No.38/2026

. . . Respondent

On today, this petition coming for final hearing before me on 12.03.2026 in the presence of Advocate Thiru.G.Leninia Selvan for the Petitioner and being defended by the Learned Assistant Public Prosecutor. Upon perusing the records and having stood over for consideration, this court delivers the following.

ORDER

1.This petition has been filed under Sections Bharatiya Nagarik Suraksha Sanhita, 2023, 497 and 503 seeking return of interim custody of the properties namely peacock dollar chain weighing 18.600 grams, necklace weighing 13.300 grams, hand chain box model weighing 15.700 grams, hand chain small box model weighing 10.000 grams, stone necklace two pieces



weighing 24.600 grams, hip chain weighing 20.100 grams, child hand chain weighing 4.200 grams, child hand chain weighing 1 gram, ladies hand chain weighing 5.200 grams, one pair of earrings weighing 3.700 grams, ring flower model weighing 1.000 gram, ring peacock model weighing 2.600 grams, white stone ring weighing 2.200 grams, Lakshmi dollar chain weighing 5.260 grams, stone jimikki earrings weighing 8.200 grams, one pair jimikki weighing 5.560 grams, baby bangles big weighing 3.000 grams, baby bangles small weighing 3.300 grams, round earrings weighing 3.500 grams, baby earrings weighing 0.650 grams and stone earrings weighing 2.000 grams and also cash amount of Rs.2,77,500/-, which were seized by the respondent police in connection with Crime No.38 of 2026.

2. The petitioner has submitted that she is the defacto complainant in the present case. It is stated that her elder daughter namely Nagasindhu is residing abroad and the jewels belonging to her daughter were kept in the custody of the petitioner in her house and the total jewels were about 39 sovereigns. According to the petitioner, on 20.02.2016 she found that the said jewels were missing from her house and therefore she suspected one Manjula, who is the sister of the petitioner and who used to frequently visit the petitioner's house. Hence she lodged a complaint before the respondent police. Based on the complaint given by the petitioner, a case has been registered in Crime No.38 of 2026 for the alleged offence under Section 305(a) of the Bharatiya Nyaya Sanhita, 2023. During the course of investigation, the respondent police recovered the above said jewels and cash from the accused and the same are now under the custody of the respondent police. The petitioner has further



submitted that the jewels belong to her family members and are required for their use and she is ready to abide by any condition that may be imposed by this Court and therefore she prayed that interim custody of the properties may be granted to her.

3. Per contra, the respondent police filed a reply stating that if the properties are handed over to the petitioner there is a possibility that the petitioner may not produce the same before the Court at the time of trial and there is also a chance of selling or altering the jewels and therefore the respondent prayed for dismissal of the petition.

4. This Court heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor appearing for the respondent police and also perused the entire materials available on record.

5. It is seen that the case has been registered based on the complaint given by the petitioner herself. It is also seen from the records that the jewels and cash were subsequently recovered by the respondent police during investigation. The respondent police have not raised any dispute regarding the ownership of the properties claimed by the petitioner.

6. At this stage it is relevant to refer to the decision of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat* wherein it has been held that valuable articles such as gold ornaments should not be kept in police custody for a long period and the same can be returned to the rightful



owner by imposing appropriate conditions so that the articles can be produced before the court whenever required. Keeping the jewels in police custody for a long period may result in unnecessary risk and therefore it would be proper to hand over the same to the petitioner with sufficient safeguards.

7. Hence, by considering the facts and circumstances of the case and also taking note of the above legal principle, this court is inclined to allow the petition by imposing conditions so as to ensure production of the properties before the court during trial.

8. Accordingly, this petition is allowed and the respondent police are directed to return the interim custody of the above said jewels and the cash amount of Rs.2,77,500/- to the petitioner subject to the following conditions:

i) The petitioner shall execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties each for a like sum of Rs.10,00,000/- to the satisfaction of this court.

ii) The respondent police shall take detailed photographs and prepare a detailed inventory describing the weight, nature and identification of each of the jewels before handing over the same to the petitioner and the petitioner shall sign the said inventory. The entire exercise shall be done in the presence of the Head Clerk of this court.



iii) The petitioner shall file an typed form of affidavit of undertaking before this court stating that she will safely keep the jewels and cash and will produce the same before the Court whenever required.

iv) The petitioner shall not sell, pledge, mortgage, alter, melt or otherwise change the nature of the jewels until the disposal of the case, without prior permission of this court.

v) The petitioner shall produce the jewels and the cash amount before the Court or before the trial court as and when directed without any delay.

vi) In case the petitioner fails to produce the properties before the Court during trial, the bond amount shall be liable to be forfeited and appropriate action shall be taken against the petitioner and the sureties in accordance with law.

Order pronounced by me in the open court on the 12th day of March 2026.

Judicial Magistrate,
Karaikudi.