

IN THE COURT OF THE JUDICIAL MAGISTRATE, PALLADAM

Present: Tmt.S.Sapna, B.B.M.,L.L.M.,

Judicial Magistrate, Palladam,

Monday 09th day of March 2026

E-CRLMP.No.122 of 2026

in

(CNR.No.TNTI11 000446 2026)

R.Suresh (age 54),
S/o. Ragavan,
No.18 Santhosh Nayakkar Building,
Pollachi road,
Palladam Taluk,
Tiruppur District.

.... Petitioner / Defacto complainant

//Vs//

State rep by Inspector of Police
Palladam, Police Station,
Cr.No.77/2026
U/s.331(4),305(a) BNS

.... Respondent / Complainant

Petition filed U/s 497 and 503 of BNSS Act to return the case property.

This petition was filed online on 03.03.2026 by the counsel for the petitioner Ms.R.Krishnaveni, Advocate and Learned APP filed objection for the Respondent and upon perusal of case records and on merits this court delivers the following.

ORDER

The petition is filed by the petitioner Under section 497 and 503 of B.N.S.S with a prayer to return the case property 1) New Batteries 28 2) Old Batteries 14 seized in connection with Cr.No.77/2026 registered U/s.331(4), 305(a) BNS of Palladam, Police station.

2)The learned counsel for the petitioner has submitted that the defacto complainant of palladam police station in Cr.No.77/2026. The petitioner residing in the above address, and doing auto electricals business in the name of Bhavani Auto Electricals works. The petition mentioned property was stolen by unknown persons on 25.01.2026. On 26.0.2026, Siju son of Vasu petitioner uncle's son who was working in the petitioner shop informed me about the theft of the properties mentioned in the schedule of this petition. Being shocked over the theft, The petitioner immediately lodged a complaint before palladam police station registered the case in Cr.No.77/2026. After thorough investigation the police arrested the culprits. Now the police seized petition mentioned New batteries 28, Old batteries 14 properties from the culprits. Now the petition mentioned properties is in the custody of respondent police station. The petition mentioned properties are absolutely belongs to the petitioner and

the petitioner of the same. Since the theft properties are chargeable batteries, without maintenance for a long period, it will be totally damaged, and cannot be restored to its original position. Hence it is necessary the theft properties may be given to the petitioner as interim custody for proper maintenance. Unless the petition mentioned property are handed over to the petitioner as interim custody . The petitioner will be put to irreparable loss and hardship. The petitioner undertake to produce the said properties whenever this Hon'ble court order to produce.

3) The Learned APP filed reply by stating that if the property seized from the accused in this case is returned to the petitioner, the petitioner will not produce the case property at the court hearing. Hence, the respondent filed objection.

4) Heard Both sides, Records perused. This court carefully perused the complaint, The case property of New batteries 28, Old batteries 14 was kept in respondent police station. There is no dispute regarding the ownership of property. Hence on considering the facts and circumstances of this case. Considering the petitioner is the ownership of the case property. Upon considering the Hon'ble Supreme court Verdicts guidelines held " In Re sundar Bai ambalal Vs. State this court is of view to handover the case property of New batteries 28, Old batteries 14 seized as interim custody to the petitioner with following conditions.

i)The petitioner shall execute a personal bond for a sum of Rs.1,50,000/- to the satisfaction of this court.

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 property from four dimension and to be certified U/s 63 BSA.

iv)The petitioner shall execute the Panchanama in judicial Form No.82 in accordance with law.

v)The petitioner should be identified by the petitioner counsel and the Investigation Officer.

Accordingly this petition is allowed.

Judicial Magistrate,
Palladam.