

IN THE COURT OF JUDICIAL MAGISTRATE, AVINASHI
PRESENT :Tmt. N.Keerthana, B.A.,L.L.M.,
Judicial Magistrate,
Avinashi.

On Wednesday, the 11th day of March 2026

E.C.M.P. No.274/2026
in
Cr. No.24/2026

Sivakumar
S/o.Marimuthu

.... Petitioner/Owner of
the Property

/Vs/

The Inspector of Police,
Perumanallur Police Station,
Cr. No.24/2026
U/s.331(3), 331(4), 305(a) of BNS

....Respondents/Complainants

This petition has come up on 11.03.2026 for final hearing before me and **Thiru. V. Sajith**, the Learned Counsel appearing for the petitioner and the Learned Assistant Public Prosecutor appearing for the Respondent and upon perusal of the records, this court delivers the following.

ORDER

The petitioner had filed this petition u/s 497 and 503 of BNSS for interim custody of the property seized by Perumanallur Police Station, Cr.No.24/2026 U/s.331(3), 331(4), 305(a) of BNS.

2. Gist of the Petition :-

The petitioner had filed this petition under Section 497 and 503 of BNSS seeking interim custody of **3 Sovereign Gold Aaram-1, 1 1/2 Sovereign Gold Chain-1, 1 1/2 Sovereign Ear Shed 3, 1/2 Sovereign Gold Ring-1** which was seized by Perumanallur Police in Cr.No.24/2026. Therefore, the petitioner seeks requesting interim custody of **3 Sovereign Gold Aaram-1, 1 1/2 Sovereign Gold Chain-1, 1 1/2 Sovereign Ear Shed 3, 1/2 Sovereign Gold Ring-1** for daily usages.

The Learned APP and Prosecution side submitted that the case is still pending and the case properties which belongs to the petitioner that there is no objection to hand over the property to the petitioner on conditional basis.

After hearing both sides and on perusal of records, it is clear that the petitioner seeks interim custody of **3 Sovereign Gold Aaram-1, 1 1/2 Sovereign Gold Chain-1, 1 1/2 Sovereign Ear Shed 3, 1/2 Sovereign Gold Ring-1** which was seized by the police from the accused. On perusal of complaint and FIR it reveals that the **3 Sovereign Gold Aaram-1, 1 1/2 Sovereign Gold Chain-1, 1 1/2 Sovereign Ear Shed 3, 1/2 Sovereign Gold Ring-1** was seized by the police from the accused. The petitioner who is the owner of the Gold items has claimed interim custody of the seized Gold items.

Considering the facts and circumstances of this case that the petitioner is the owner of the property and the guidelines provided by the Hon'ble Apex Court in "**Sunderbhai Ambalal Desai vs. State of Gujarat,**" 2002 Supp (3) SCR 39, and in the interest of justice, this court is inclined to grant interim custody of the property to

the petitioner under the following conditions:

1. The petitioner/Owner shall execute a own bond for the a sum of Rs.5,00,000/-.

2. The petitioner shall not modify or alter the property without prior permission from this court and to produce the vehicle as and when directed by this court.

3. The petitioner shall provide three-angle photographs of the property mentioned in the petition, with compliance under Section 63 of BSA and execute a Panchanama.

4. The petitioner/Police and Head-Clerk of this Court shall prepare Panchanama in accordance with Criminal Rules of Practice, 2019.

Dictated by me to the Steno-Typist, typed by him, corrected and pronounced by me in the open Court on the 11th day of March 2026.

Judicial Magistrate,
Avinashi.