

IN THE COURT OF JUDICIAL MAGISTRATE, KANGEYAM

PRESENT : Miss. D. Thenmozhi., B.A., B.L.,L.L.M.,

Judicial Magistrate, Kangeyam

Saturday, the 06th day of June, 2026

E.CrI.M.P. No.218/2026

in

Crime No.276/2026 Kangeyam P.S

Francis,
S/o. Gurusamy.

... Petitioner/ Owner of the property

/ Vs /

The State rep.by
The Inspector of Police,
Kangeyam Police Station,
Crime No.276/2026,
STC.No.389/2026
U/s. 5, r/w 7(3) of LR Act

... Respondent / Complainant

This petition came up on 06.06.2026 for final hearing before me, in the presence of the party in person, the owner of the property, and upon perusal of the records, this Court delivers the following:

ORDER

1. This petition filed U/s. 498 and 503 of BNSS for returning the property Realme mobile phone -1 seized by the Kangeyam Police in Cr. No. 276/2026, U/s. 5, r/w 7(3) of LR Act as hand over to the petitioner.

2. The petitioner submits that the case property belongs to the petitioner and that the Kangeyam Police have seized the said Realme mobile phone -1 from the accused, which are presently in the custody of this Hon'ble Court. The said property has been produced and remanded before this Court in P.R. No.86/2026. The property comprises Realme mobile phone -1 , and if kept idle, their value is likely to

depreciate. Hence, it is prayed that this Hon'ble Court may be pleased to allow the application and direct the return of the said Realme mobile phone to the petitioner.

3. The petitioner is stated to be the owner of the property, and the prosecution also does not raise any objection regarding the ownership. Further, upon perusal of the petition and the case records, it is seen that the phone is involved in the offence. Moreover, if it is kept unused for a long time, the value of the property may depreciate. Further, the Hon'ble Supreme Court of India, in the decision reported in ***Sunderbhai Ambalal Desai vs. State of Gujarat (2002 10 SCC 290)***, has laid down certain guidelines for Magistrates to hand over the properties to the owner.

4. Taking all the facts and circumstances of this case and guidelines issued by the Hon'ble Supreme Court of India, it will be just and proper to hand over the property to the petitioner.

5. In the result, as this case STC.No.389/2026 was disposed of on 05.06.2026, the Court orders that the properties be handed over to the petitioner, the rightful owner. The case property, consisting of Realme Mobile Phone, was seized by the Kangeyam Police in Cr. No.276/2026 under Sections 5, r/w 7(3) LR Act, and is directed to be handed over to the petitioner.

I. This petition is allowed accordingly.

Directly dictated to the Steno-Typist, corrected and pronounced by me in the open Court, this 06th day of June 2026.

Judicial Magistrate,
Kangayam.