

In the Court of the Judicial Magistrate No. I, Thanjavur

Present: Selvi. S. T. Kanimozhi, B.A., B.L., L.L.M.,

Judicial Magistrate No.I, Thanjavur,

Dated this the 08th day of June 2026

CrI.M.P.No. 424/2026

Sivakumar , (Aged 50/2026)

S/o. Rajendran ,

No.23 Sujana Nagar,

Karanthai,

Thanjavur District.

.....Petitioner/Defacto complainant

/Vs/

State by Inspector of Police,

Town West Police Station,

Thanjavur. **Cr. No. 194/2026**

.....Respondent

(U/s. 25(1A) Arms Act, 296(b),115(2),308(5),351(3) of BNS)

This petition was taken up for hearing today before me in the presence Thiru. R. Parthasarathy , Advocate for the Petitioner and in the presence of the Assistant Public Prosecutor for the state and upon hearing the arguments of both sides, and this court passed the following.

ORDER

Petition for interim custody of property

- 1) This Petitioner filed this petition U/Sec. 497 & 503 BNSS Act to grant interim custody of property namely **TN 49 CJ 3830 SLENDER** on reason that petitioner is the owner of the property. The property was seized by the Respondent/Police and registered the case in Cr. No.194/2026 for offense U/s. **25(1A) Arms Act, 296(b),115(2),308(5),351(3) of BNS** . If property is kept in Police Station, it will be destroyed. Hence this petition.
- 2) Notice issued to police. The Police side replied received. The petitioner side enquiry heard.
- 3) In the case property of Item: **TN 49 CJ 3830 SLENDER** – U/s. **25(1A) Arms Act, 296(b),115(2),308(5),351(3) of BNS** . Received by Thanjavur Town West Police Station, in

Cr.No. 194/2026 for offense U/s. **25(1A) Arms Act, 296(b),115(2),308(5),351(3) of BNS**
The Respondent/Police produced the property before this court.

- 4) This court taken in to consideration that the guidelines given by the Hon'ble Apex court in Sunder Bai Ambala case 2003 (1) CTC 176 before considering the petition for this purpose. If material on record indicates that such property belong to the petitioner and used by the petitioner at the time of incident, hence seized the property be handed to the petitioner of the taking photographs of such property and a bond that such property could be produced if required at the time of trial after taking security.
- 5) The nature of offense involved in this case U/s. **25(1A) Arms Act, 296(b),115(2),308(5),351(3) of BNS** This court is inclined to allow this petition and to return the property to the petitioner as interim custody with condition. The Respondent Police is direct to produce the case property before this court.

In the result this petition is allowed on the following conditions:

- i) On production of said property the petitioner shall execute a own bond for Rs. 50,000/- (Rupees Fifty Thousand only) and Two sureties worth of Rs. 10,000/- to the satisfaction of this court.**
- ii) A panchanama shall be prepared in Judicial Form No.82 of Criminal Rules of Practice and produce photographs and CD's of the properties along with certificate U/s 65B of Indian Evidence Act, as prescribed under rule 257 of Criminal Rules of practice and to produce the property whenever required by this court and at the time of trial.**
- iii) The petitioner to give a undertaking in the form of affidavit that he will not alienate encumber or change the physical features of the properties will final disposal of the case.**

This petition is allowed accordingly.

Dictated by me to the Typist, corrected and pronounced by me in the open court on this 08th day of June , 2026.

Sd. Kanimozhi.,
Judicial Magistrate No. I,
Thanjavur.