

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.I, PONNERI

Present: **Tmt.Saranya Selvam, B.A., B.L., (Hon's)**

Judicial Magistrate No.I, Ponneri

Dated 08th day of June 2026.

CrI.M.P No.295/2026

Jayesh Patel, aged 23,
S/o. Kailash Kumar,
No.8/2, Venkier street,
Kondithope, Chennai.

.... Petitioner / owner of the property.

//Versus//

Inspector of police,
Kattur Police Station,
Cr.No.40/2026.

....Respondent / Complainant.

This petition coming on this day before me in the presence of Thiru. Dinesh Babu, Thiru. Manikandan and Thiru. Akilesh Kumar Advocates for petitioner and the learned A.P.P. for prosecution and upon hearing the arguments on both sides this court passed the following :-

ORDER

This petition filed by the petitioner U/s.499 & 503 of BNSS to return the Property on Interim Custody.

1. The petitioner claims to be the owner of the VIVO T2 5G black colour Mobile phone which was recovered by the respondent police in Cr.No.94/2026, U/s. 194 BNSS. As per the petitioner, the alleged Mobile is in respondent police station for the above offence, The above said mobile was used by the Petitioner for his own purpose. If the mobile is not used, the electronic parts will be damaged. Hence the mobile phone may be returned to petitioner. Hence prays to allow this petition.

2. The learned APP and Respondent Police has no strong reason or objection to return the mobile to the petitioner.

3. Heard both sides. Records perused. On perusal of available records produced herein it is undisputed fact that the property belongs to the Petitioner. Considering the facts and circumstances of the case and also the dictum laid down by the Hon'ble Supreme Court of India in Sundarbai Ambalal's Case,(2013(1) MLJ (Crl.)101) that the value of the property will diminish, if it is kept in sunlight and in open place, this court inclines to grant interim custody of the case property to the petitioner on conditions that,

i)	The petitioner should execute a own bond for a sum of Rs.10,000/- with one surety for like sumoto the satisfaction of this court.
ii)	The property is ordered to be returned to the Petitioner on proper endorsement.
iii)	The Head Ministerial officer of this court is directed to send a intimation to the concerned police to release the mobile.
iv)	The petitioner shall produce a photograph along with CD of the vehicle and also the certificate U/s 65 B of the Indian Evidence Act.

Accordingly this petition is allowed.

Pronounced by me in the open court on 08th day of June 2026.

Sd/-Saranya Selvam/
Judicial Magistrate No.I,
Ponneri