

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
GUMMIDIPOONDI**

**PRESENT: Thiru. R.Senthilkumar, M.A., B.L.,
District Munsif cum Judicial Magistrate, Gummidipoondi
CrI.M.P.No.105/2026**

IN

Cr.No.27/2026

Dated this the 06th day of March 2026

Ramu S/o.Karivarathan

... Petitioner

/Vs/

The State of Tamil Nadu
Represented by the
Sub Inspector of Police,
Pathirivedu P.S.,
(Crime No:27/2026)
(U/s. 305, 331(3) of BNS)

... Respondent

This petition came on 04.03.2026 for final disposal in the presence of Learned counsel M/s. S.Elangovan T.Mahendiran for the petitioner and the Additional Public Prosecutor I appearing for the respondent and having heard both side arguments and after perusing all material documents on record, this court is inclined to deliver the following :

ORDER

This Petition dated 25.02.2026 was filed U/s. 497 & 503 of BNSS for returning the case property in connection with Cr.No.27/2026 on the file of respondent police for interim custody to the petitioner.

Notice given to respondent and reply received.

Point for consideration:

Whether the petition is to be allowed or not?

Heard both sides. Records Perused. This petition has been filed by the petitioner for interim custody of the Valuable property. The petitioner has stated that on 13.02.2026 the properties viz., [1) 3 சவரன் தங்க செயின், 2) சுமார் 8 கிராம் கொண்ட கல் பதித்த இரண்டு ஜோடி தங்க கம்மல், 3) சுமார் 4 கிராம் எடை கொண்ட தங்க ஜிமிக்கி ஒரு ஜோடி, 4) ¼ சவரன் ஒற்றை கம்மல், 5) இரண்டு தங்க மூக்குத்தி சுமார் ¼ சுமார் 250 மி.கி., 6) 1 கிராம் எடை கொண்ட 1 ஜோடி தங்க மாட்டல், 7) 8 கிராம் எடை கொண்ட சிவப்பு கல் வைத்த வெள்ளி மோதிரம்] had been stolen from the petitioner, hence he lodged a complaint before the respondent police and the same was registered in Cr.No.27/2026 U/s.305, 331(3) of BNS, consequently the respondent police seized the properties from the accused. The petitioner is owner of the jewels, hence this petition is filed to return the seized jewels.

The investigation is still pending. The property has been recovered under Mahazar on 16.02.2026, the process is being taken to handover the property before this Court. The petitioner is owner of the property. If the property is handed over to the petitioner, he would not produce the same before this court during trial. Hence this petition is liable to be dismissed.

At this juncture this court is of the opinion to refer the Hon'ble Apex Court Judgment made in **Sunderbhai Ambalal Desai /vs/ State of Gujarat reported in AIR – 2003 SC 638.**

Para 11 – “ *With regard to valuable articles, such as, golden or silver ornaments of articles studded with precious stones, it is submitted that it is of no use to keep such*

articles in police custody for years till the trial is over. In our view, this submission requires to be accepted, In such cases, the Magistrate should pass appropriate orders as contemplated under Section 451 CrPC at the earliest”.

Therefore, after considering both side arguments and the facts and circumstances of this case and after applying the aforesaid Hon’ble apex court Judgment, this court is of the considered opinion that, the petitioner’s property had been stolen by the accused, based on the complaint given by the petitioner, the respondent police has seized the following properties [1)தங்க செயின் 3 சவரன் சுமார் 24 கிராம், 2) தங்ககம்மலில் கல் பதித்தது - 2 ஜோடி- 8 கிராம், 3) தங்க ஜிமிக்கி ஒரு ஜோடி - 4 கிராம், 4) ஒற்றை கம்மல் - 1 No - 2 கிராம், 5) இரண்டு தங்க மூக்குத்தி சுமார் ¼ மி.கி., 6)ஒரு ஜோடி தங்க மாட்டல்- 1 கிராம், 7) சிவப்பு கல் வைத்த ஒரு வெள்ளி மோதிரம் - 8 கிராம்]. Therefore this petition has been filed for handing over the property as interim custody. The respondent police has not objected ownership of the petitioner. Being the situation, the owner of the property would suffer if the valuable property is not handed over to him. Also the property which is the subject matter of an offence seized by the police ought not to be retained in the custody of the court or of the police for any time longer than what is absolutely necessary. Considering the same and in the interest of justice this court is inclined to return the above mentioned seized valuable properties in connection with Cr.No.27/2026 to the petitioner herein for interim custody.

Conditions:

1. The respondent police is directed to produce the property within 7 days from today, on such production, the Head Ministerial Officer is directed to assign Property Number to the property forthwith.
2. The Petitioner shall execute a own bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the satisfaction of this Court with Two sureties like the said sum,
3. The petitioner shall not alter or encumber the Property until further orders,
4. The petitioner shall take photographs of the Property and produce the same into the Court along with a compact disc with certificate U/s.63 BSA.
5. The petitioner shall produce the property before the Court as and when required.
6. The Property is ordered to be returned to the petitioner as interim custody after executing the Panchanama.

This order was dictated by me to the Steno -typist, typed by her and corrected by me and pronounced by me in the open court on this the 06th day of March, 2026.

Given under my seal and hand.

District Munsif cum Judicial Magistrate,
Gummidipoondi