

IN THE COURT OF JUDICIAL MAGISTRATE NO. II, TIRUPATTUR,
TIRUPATTUR DISTRICT

Present:- Tr.S.Kovendhan.,B.A.,L.L.B.,(Hons).,

Judicial Magistrate No.II, Tirupathur

Monday, this the 6th day of April -2026

CMP. No.954/2026, 955/2026, 953/2026

in

Cr. No.81/2026

P.No.1 - Mangai, W/o.Chinnakannu (CMP.No.954/2026)

P.No.2 - Silambarasan, S/o.Devaraji (CMP.No.955/2026)

P.No.3 - Deepa, D/o.Govindhan (CMP.No.953/2026)

.....Petitioners

-Vs-

The Sub Inspector of Police,

Tirupathur Taluk PS.,

Crime No.81/2026

u/s.318(4), 319(2), 336(2), 336(3), 49 of BNS

.....Respondent

The Petitions has been taken on file on 13.03.2026 and came up for final hearing before me today in the presence of the Learned counsel Mr.G.Chandrasekaran B.A., B.L., appearing for the Petitioners and the learned APP.Gr.II appearing for the Respondent and after hearing both sides and on perusal of records and having stood over for my consideration till this day, this court delivered the following,

COMMON ORDER

This petitions are filed by the Petitioners under section 503 and 497 of BNSS directing the respondent police to produce the case properties to them and thus render justice.

1. BRIEF AVERNMENTS IN THE PETITION

Petitioner No.1 Mangai, on 22.10.2025 she had pawned totally 3 sovereigns of gold in Vengalapuram branch of Central Co-operative Bank through loan no.719222928.

Petitioner No.2 Silambarasan, on 18.06.2025 he had pawned totally 3 sovereigns of gold in Vengalapuram branch of Central Co-operative Bank through loan no.718486733.

Petitioner No.3 Deepa, on 18.06.2025 she had pawned totally 2 sovereigns of gold in Vengalapuram branch of Central Co-operative Bank through loan no.718486416.

They had stated commonly in their petition that two months before, when they approached the branch manager for redeeming the gold jewels pawned by them, the manager had stated that those jewels were already redeemed using those bills. Regarding that he had given a complainant in the respondent police station. Based upon that police were arrested the accused and 5.16 Grams of gold jewels and sale proceeds of further connected jewells Rs.3,00,000/- were recovered from them, which was under the custody of the police. Hence, filed those above mentioned petitions to give those case properties as interim custody to them.

b) On numbering of this petition, notice was ordered to the respondent police. Police through their reply stated that, if the petitioners should submit the case properties on court trial, there is no objection to return the case property.

C) Reply received from the Learned APP has submitted reply that, upon imposing necessary conditions as they should not sell it and mortgage it there is no objection to return the case property to this petitioners.

2. POINTS FOR CONSIDERATION:

WHETHER THE CASE PROPERTY AVERRED IN THE PETITION CAN BE HANDED OVER TO THE CUSTODY OF THE PETITIONER, IF SO, WHAT SHALL BE THE CONDITIONS IF ANY?

On perusal of records it came to view that totally 8 sovereigns of gold jewels were pawned by the three Petitioner's/Victim's of this case in

Vengalapuram branch of Central Co-operative Bank in which Defacto complainant was working as Manager. But, the said jewels (3 sovereigns each to Petitioner no.1 and 2; 2 sovereigns to Petitioner no.3) were obtained by the accused by impersonating as Petitioner's in the bank through signed their signature. Accused were arrested and Police recovered 5.16 grams gold (valued at Rs.76,300/- as on date) and Rs.3,00,000/- cash (proceeds of such other gold obtained by accused from the bank) Total recovery value:Rs.3,76,300/-.

Proportions: Petitioner no 1 & 2 - 3/8 each (37.5%); petitioner no.3 - 2/8 (25%).

Respondent police and learned APP not raised any objection regarding the ownership of the property seized and giving it to petitioners as interim custody. No other persons claimed the seized properties as rival claimants.

Hence, this court forms opinion that detaining the property either in the court premises or in the Police Station premises would not fetch any use. Moreover such detention would result in causing damage and depreciation to the jewells as observed by *Hon'ble Supreme court in Sundar Bai Ambalal Desai Vs. State of Gujarat, reported in AIR 2003 SC.638*. Considering the easiest way to distribute the seized properties from accused, the recovered gold of 5.16 grams is allocated to petitioner no 3 with value adjustment and balance in cash:

Claimant	Proportion	Gold Allocated (grams)	Gold Value (Rs.)	Cash Share (Rs.)	Total (Rs.) (in cash)
Petitioner No.1 Mangai	3/8	-	-	1,41,100/-	1,41,100/-
Petitioner No.2 Silambarasan	3/8	-	-	1,41,100/-	1,41,100/-
Petitioner No.3 Deepa	2/8	5.16 Grams	76,300/-	17,800/-	94,100/-
Total	8 Soverigns of Gold	5.16 Grams	76,300/-	3,00,000/-	3,76,300/-

In the result the petitions allowed in part and the respondent police is directed to produce the case properties before this court and upon production, the petitioners are entitled to receive the interim custody of the same on below mentioned proportions.

1. To Petitioner No.1 - : Rs.1,41,100/- cash.
2. To Petitioner No.2 - : Rs.1,41,100/- cash.
3. To Petitioner No.3 - : 5.16 grams gold (Rs.76,300/- value) + Rs.17,800/- cash (balance after adjustment).

But, subject to fulfillment of the following conditions :-

- a) As the petitioners are the owner of the case properties, they are required to execute a bond for sum of Rs.20,000/- along with one surety for the like sum each.
- b) The petitioners shall make an undertaking to produce the properties whenever required by this court and also at the time of giving evidence before this court.
- c) The petitioners are required to make a personal undertaking that they would not alter the nature as well as the feature of the properties in any manner.
- d) The petitioners shall produce attested photo with C.D. and undertaking affidavits along with sec 63(B) certificate of B.S.A.
- e) Necessary panchanama is to be obtained from the petitioners and sureties.

*Dictated to Steno typist and typed by
her and corrected by me and
pronounced by me on 6th day of April
2026*

**Judicial Magistrate No.II
Thirupathur.**