

IN THE COURT OF JUDICIAL MAGISTRATE COURT, VANIYAMBADI

PRESENT: Tmt.K.Sripathi, B.A., L.L.B.,

Judicial Magistrate

Vaniyambadi

Wednesday 18th day of March 2026

CNR.No:TNTU09-000841-2026

Crl.M.P.No. 492/2026

C.P.No.195 of 2026

Tamilarasan S/o Chinnadurai

.... Petitioner/Accused

/VS/

Sub-Inspector of Police,

Ambalur Police Station,

Vaniyambadi, Tirupattur District.

Cr.No. 32 / 2026

U/s. 4(1)(C), 4(1-A)(ii) TNP act

...Respondent/Complainant

This Petition was taken on file on 11.03.2026 This petition is filed by the petitioner U/s. 497 and 503 of BNS and coming on this day before me in the presence of Thiru.M.Kumaran., BA., B.L Counsel for petitioner and the learned A.P.P. Gr-I for respondent and upon hearing the arguments on both sides this court passed the following :-

/ORDER/

INTERIM CUSTODY OF PROPERTY OF CELL PHONE

1. Averments contains in the petition:

The counsel for the petitioner submits that the petitioner filed this petition for return of his phone VivoY295G which bearing IMEI No.is 862391078554334 was seized by the respondent police from the accused as case properties in Cr.No.32/2026. Further, he contented that the petitioner is the owner of the property. Without the vehicle the petitioner unable to meet out his day to day affairs, if the vehicle and phone kept idle the parts will be damaged and value will be decreased, hence the vehicle and phone may be given to petitioner as interim custody, the petitioner

undertakes to produce the properties before the court whenever he ordered to do so. Hence, prays to allow this petition.

2. Averments contains in the in the reply of Respondent Police:

Respondent police taken notice and replies, if the case property is handed over to the petitioner/accused he may again commit same kind of offences. The investigation is pending. So, I strongly object to handing over the property to the petitioner/accused involved in the above case.

3. Averments contains in the reply of Assistant Public Prosecutor:

The learned A.P.P. Gr-I has taken notice and replied that, This case property involved in offence of TNP act. This case property is very essential to prove the prosecution by marking as M.O. Hence according to the facts and circumstance of the case, this Hon'ble court may be please to order on merits in accordance with law.

4. Both side considered. Respondent accepted the ownership of the petitioner over the petition mentioned property. Further keeping the valuable property in the court will deteriorate the value of the property and no use to keep such articles in police custody. Further considering the guidelines passed by the Hon'ble Supreme Court of India in Sunderbhai Ambalal Desai Vs.State of Gujarat (2003-AIR(SC)-0-638). Therefore this court considering that the ownership of the property is not disputed and the owner should not suffer for being unused the petition mentioned property. This court is inclined to return the property in CP No. 195/2026 for interim custody to the petitioner on the following conditions.

1) The petitioner shall execute sum of Rs. 10,000/- with one surety.

2) The petitioner shall produce the CP when the court ordered to produce before this court without fail.

3) The Photograph of the property taken on all its one side and to be submitted with CD along with 65 B Certificate.

4) The petitioner to be identified by the concerned counsel and the police.

In the result, the petition is **allowed**.

Dictated by me to the typist directly typed by her in laptop and corrected by me and pronounced in open court on this 18th day of March 2026.

(Sd./-) K.Sripathi.
Judicial Magistrate,
Vaniyambadi.

//TRUE COPY//

Judicial Magistrate,
Vaniyambadi.