

IN THE COURT OF JUDICIAL MAGISTRATE No. I, TINDIVANAM

**PRESENT: Smt. M. Elavarasi, M.L.,
Judicial Magistrate No. I, Tindivanam**

On Friday, this the 10th day of April 2026

CrI.M.P. No: 165 of 2026

in

Cr. No. 75/2026

Venkatesan, age 35
S/o Durai

... Petitioner/Defacto Complainant

//VS//

State represented by,
The Inspector of Police,
Tindivanam Police Station.

...Respondent/Complainant

This petition was taken up for hearing today before me in the presence Thiru. A. Sakthivanan, B.Com., L.L.B., (Hons) Advocate for the Petitioner/Defacto Complainant 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/Defacto Complainant filed this petition U/Sec. 497 & 503 BNSS to return the Property namely [சுமார் 15.790 கிராம் எடையுள்ள தங்க செயின் ஒன்று (Approximately - 15.800 gram)], the petitioner is the owner of the property and the property was taken from the petitioner by the accused, so that the petitioner lodged the complaint to the respondent/police and case is registered in Cr. No. 75/2026 for offence under section 305(a), 331(4) BNS of Tindivanam Police Station. After that the respondent/police recovered the property from the accused and produced before this court. Hence, the petitioner prays to return the seized property to the petitioner as interim custody.

- 2) The Learned Assistant Public Prosecutor strongly objected and replied that if the case property is returned to the petitioner, he may modify the nature of the case property, will sell it to third parties and he will not produce it during trial which will prejudice the case of prosecution. Hence, pray for dismissal.
- 3) **In the case property of Item:** சுமார் 15.790 கிராம் எடையுள்ள தங்க செயின் ஒன்று (Approximately - 15.800 gram) received in **PR. No. 35/2026** in Cr. No. 75/2026 for offence under section 305(a), 331(4) BNS of Tindivanam Police Station.
- 4) This court taken in to consideration that the guidelines given by the Hon'ble Apex Court in *Sunderbhai Ambalal 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 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) Considering fact and circumstances of the case and the guidelines of the Hon'ble Apex Court, the petitioner is the owner of the property and defacto complainant in this case, hence this Court is inclined to allow this petition and to return the property to the petitioner as interim custody with conditions:

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

- i. The petitioner shall execute a own bond for the total value of the jewels of Rs.1,71,000/- (Rupees One Lakh Seventy One Thousand) 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 of property in all angles along with certificate U/s. 63(4) of BSA, as prescribed under rule 257 of Criminal Rules of practice and to produce 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 till final disposal of the case and to produce the property whenever required by this court.

Dictated by me to the Typist, corrected and pronounced by me in the open court on this 10th day of April 2026.

Judicial Magistrate No. I,
Tindivanam.