

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Crl.MC.No. 47 of 2015

CMP 3779/2014 of J.M.F.C.-I,ERNAKULAM
CRIME NO. 660/2014 OF PALARIVATTOM POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED:

V.P.VIJAYAN, AGED 60 YEARS
S/O.LATE PURUSHOTHAMAN, THURATHEL HOUSE, VENNALA P.O.
KOCHI-28.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT/STATE/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031 (CRIME NO.660/2015 OF PALARIVATTOM
POLICE STATION, ERNAKULAM DISTRICT).

R BY PUBLIC PROSECUTOR, SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.UBAID, J.

Crl. M.C No.47 of 2015

Dated this the 7th day of January, 2015.

ORDER

The petitioner herein has been facing investigation as accused in Crime No. 660/2014 of the Palarivattom Police Station, registered under Section 17 of the Kerala Money Lenders Act. On search in his business premises the police seized an amount of ₹ 1,34,430/-, and the amount was produced in court. The petitioner made application under Section 451 Cr.P.C as C.M.P No.3779/14 for interim custody of the amount. The learned Judicial First Class Magistrate Court – I, Ernakulam allowed the application on certain conditions. The petitioner is really aggrieved by the third condition imposed by the learned Magistrate that the petitioner shall produce security of bank guarantee of a nationalized bank for ₹ 1,34,430/-. The said condition is sought to be set aside under Section 482 Cr.P.C. On hearing both sides and on a perusal of the material I find that the other conditions imposed by the learned Magistrate will suffice in the present circumstances, and that the impugned condition is really irrational and unreasonable. It is submitted that the petitioner is a licensed money lender. If so, it is really doubtful

whether the amount will have to be confiscated. Anyway, the other conditions imposed by the learned Magistrate will serve the purpose.

In the result, this petition is allowed. The third condition imposed by the court below as per the order dated 27.09.2014 in C.M.P No.3779/14 directing the petitioner to furnish bank guarantee will stand set aside.

P.UBAID,
JUDGE

sab