

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

Crl.MC.No. 346 of 2015 ()

**CC. NO.96/2013 CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD.
CRIME NO. 244/2007 OF PALAKKAD TOWN NORTH POLICE STATION.**

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PETITIONERS/ACCUSED NO. 1, 3 & 4:

1. RUGMINI, AGED 59 YEARS,
W/O. BALAKRISHNAN, 'VISHNUKRIPA', LAL NAGAR,
PUDUPPARIYARAM P.O., PUDUPPARIYARAM DESAM,
PUDUPPARIYARAM VILLAGE, PALAKKAD DISTRICT.
2. DIVIYA BALAKRISHNAN, AGED 27 YEARS,
D/O.BALAKRISHNAN, 'VISHNUKRIPA', LAL NAGAR,
PUDUPPARIYARAM P.O., PUDUPPARIYARAM DESAM,
PUDUPPARIYARAM VILLAGE, PALAKKAD DISTRICT.
3. DEVAVRATHAN, AGED 30 YEARS,
S/O. BALAKRISHNAN, 'VISHNUKRIPA', LAL NAGAR,
PUDUPPARIYARAM P.O., PUDUPPARIYARAM DESAM,
PUDUPPARIYARAM VILLAGE, PALAKKAD DISTRICT.

**BY ADVS.SRI.P.G.SURESH,
SRI.G.SUDHEER (THURAVOOR),
SRI.RAJAN VISHNURAJ,
SRI.V.HARISH.**

RESPONDENT/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

*** ADDL. R2 IMPEADED**

2. C.D. BOBBY, S/O.DEVASSYKUTTY, G2,
G3 HEMA APARTMENTS, CHEMMANNUR HOUSE,
JAYANTHI NAGAR COLONY, KOZHIKODE.

*** IS IMPEADED AS PER ORDER DATED 18/02/2015 IN
CRL.MA. NO.1019/2015 IN CRL.MC.346/2015.**

R1 BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- A1 - THE CERTIFIED COPY OF THE FIR IN CRIME NO. 244/2007 OF PALAKKAD TOWN NORTH POLICE STATION.**
- A2 - THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 244/2007 OF PALAKKAD TOWN NORTH POLICE STATION.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.346 of 2015

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Dated this the 16th day of July, 2015

ORDER

The prayers in this Crl.M.C are as follows:

“i. Quash Annexure A2 Final Report filed by the Deputy Superintendent of Police Palakkad in Crime No.244/2007 of Palakkad Town North Police Station and all further proceedings pursuant to the same pending as C.C No.96/2013 before the Honourable Chief Judicial Magistrate Court, Palakkad made against the petitioners herein, to secure ends of justice and also to prevent abuse of process of the Honourable Court.

ii. Pass such any other orders, direction of reliefs as this Hon'ble court may deem fit in the interest of justice, equity and good conscience.”

2. As directed by this Court the respondent Investigating Officer has filed a statement along with Government Pleader's memo dated 16.2.2015 and the relevant portion of that statement reads as follows:

“It is submitted that a case was registered in Town North Police Station, Palakkad on 12.09.2007 as Cr.No.244/07 U/s 406,418, 420 r/w 34 of the I.P.C. on the strength of the statement of one C.D Baby S/o Devassikutty, Hema Apartments, Chemmannor House Jayanthi Colony, Kozhikode against the petitioner Rugmini as A1, Manikandan S/o Raveendran, Ammath House, Thrissur, Divya D/o Balakrishnan, Vishnu Kripa, Palakkad and Devan S/o Balakrishnan, Vishnukripa, Pudupariyaram, Palakkad. The complainant gave the statement after an inspection of the accounts in the establishment.

The case is that the accused A1 and A2 while working in Chemmannor Bose Jewellery at Palakkad. Connived together with A3 and A4 who are the children of A1 with intention to cheat the complainant have jointly and intentionally they had tampered with the accounts as well as the computer of the establishment and thereby sustained a loss of about 46 lakhs to the complainant and

siphon out money from the establishment by clandestine and dishonest means.

The preliminary investigation was done by Sub Inspector of Police, Town North and then the case investigated by Deputy Supdt of Police, Palakkad. The investigating officer seized the computer hard disk used for tampering and manipulating the accounts and other connected documents. The computer hard disk subjected for examination at C- DAC and evidence obtained for tampering and manipulating of accounts.

The investigation disclosed that the complainant is running a jewelry shop by name Chemmannor Bose Jewelers at G.B Road, Palakkad for the last 14 years. The said shop is in name of his younger brother C.D Boss. For the past 10 years there is a scheme in the jewellery shop by name Gold Purchase Plan. As per the scheme, those who want to purchase the gold ornaments should remit money in installments and they could purchase gold as and when need arises. The A1 Rugmini maintaining the accounts relating to the shop and gold purchase plan. In addition A2, the accounts manager is also entering in to transactions as per gold purchase scheme. A1 and A2 together are responsible for reporting the stock of gold to the complainant. A1 & A2 were seen sharing money near the bathroom in the back of the jewellery. Thereafter inspection was conducted with the help of Auditor and shortage of gold and cash to the tune of Rs.46,00,000/- was found. A3 and A4 who are the children of the A1 used to come to the jewellery shop and operate the computer for helping A1 in feeding in tampering with the computer and manipulating the accounts.

After completing the investigation the case was charge sheeted before the Chief Judicial Magistrate Court, Palakkad on 02.02.2013 and the court accepted the charge sheet as C.C No.96/13. The case is pending for trial.”

In view of the submissions made in the aforesaid statement filed by the investigating Officer, this Court is of the considered opinion that no grounds are made out for warranting any interference in this case.

Accordingly, the Crl.M.C stands closed with liberty to the petitioners to work out his remedies in accordance with law.

sab

ALEXANDER THOMAS, JUDGE

