

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Cr1.MC.No. 912 of 2015

IN C.M.P 6099/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -I, NEDUMANGAD
CRIME NO. 641/2014 OF VENJARAMOODU POLICE STATION,
THIRUVANANDAPURAM

PETITIONER/PETITIONER:

NADARAJAN,
S/O.SANKARAN, S.R. NIVAS, VALIYAKATTAKKAL,
VENJARAMOODU, NELLANAD VILLAGE,
THIRUVANANTHAPURAM.

BY ADVS.SRI.BRIJESH MOHAN
SMT.RESMI G. NAIR
SRI.SHAJIN S.HAMEED

RESPONDENT/RESPONDENT:

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
VENJARAMOODU POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 912 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A: FREE COPY OF THE ORDER DATED 10/06/2014 IN C.M.P
NO.6099/2014 IN CRIME NO.641/2014 OF VENJARAMOODU POLICE STATION
OF THE JUDICIAL 1ST CLASS MAGISTRATE -I, NEDUMANGAD

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.912 of 2015

Dated this the 13th day of February, 2015

O R D E R

The petitioner herein is the accused in a crime registered under the provisions of the Kerala Money Lenders Act. On search in his premises the Sub Inspector of Police, Venjaramoodu seized some documents, and also an amount of ₹77,000/-. The petitioner made an application before the Judicial First Class Magistrate Court I, Nedumangad under Section 451 of the Code of Criminal Procedure for getting interim custody of these documents and the amount. The learned Magistrate allowed the application in part. Accordingly, the prayer for three of the documents and the amount was disallowed, but the other documents were released to the petitioner, on certain conditions. The said order dated 10.6.2014 disallowing the prayer for some documents and the money is under challenge.

2. On hearing both sides, I find that the order of the learned Magistrate regarding three documents does not require interference. Those three documents will have to

continue in custody in the present circumstances where there is possibility of tampering if it is released. However, regarding the amount of ₹77,000/-, I find that it can be released to the petitioner on sufficient bond. Whether it is money earned from money lending business, will be decided during trial. I find no necessity to retain the amount in court custody in the present circumstances.

In the result, this Criminal Miscellaneous Case is allowed in part. The court below is hereby directed to release the amount of ₹77,000/- to the petitioner on sufficient bond.

**P.UBAID
JUDGE**

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