

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Crl.MC.No.934 of 2015

**CMP NO.2918/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,KOCHI
CRIME NO.775/2014 OF MARADU POLICE STATION,ERNAKULAM.**

...

PETITIONERS/ACCUSED 1 & 2:

- 1. K.L.THOMAS,S/O.LATE LONAPPAN,AGED 61 YEARS,
KALLUMKATHARA HOUSE,MARADU P.O,
MARADU VILLAGE,KANAYANNUR TALUK,
ERNAKULAM DISTRICT,KOCHI - 682 304.**
- 2. MARIA THOMAS, W/O.K.L.THOMAS,AGED 55 YEARS,
KALLUMKATHARA HOUSE,MARADU P.O.
MARADU VILLAGE,KANAYANNUR TALUK,
ERNAKULAM DISTRICT,KOCHI - 682 304.**

**BY SRI.S.SREEKUMAR (SENIOR ADVOCATE.)
ADVS.SRI.P.MARTIN JOSE
SRI.M.A.MOHAMMED SIRAJ
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA**

RESPONDENT/COMPLAINANT/STATE:

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

BY PUBLIC PROSECUTOR SMT.S.HYMA.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 26-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

CrI.MC.No.934 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-A: COPY OF THE F.I.R NO. IN CRIME NO. 775 OF 2014 OF MARADU
POLICE STATION.**

**ANNEXURE-B: TRUE COPY OF C.M.P NO. 2918 OF 2014 IN CRIME NO. 775 OF 2014
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
KOCHI.**

**ANNEXURE-C: TRUE COPY OF THE ORDER IN C.M.P NO. 2918 OF 2014 JFCM-I,
KOCHI DATED 2.9.2014**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P. UBAID, J.

Crl.M.C.No.934 of 2015

Dated this the 26th day of February, 2015

O R D E R

The petitioner herein are the two accused in crime No.775/2014 of the Maradu Police Station, registered under Section 17 of the Kerala Money Lenders Act and under Section 3 of the Kerala Prohibition of Charging Exorbitant Interest Act,2012. The Police registered the crime on the basis of seizure of some documents and materials from the possession of these two petitioners. The petitioners are husband and wife. In the process of seizure which led to the registration of the crime, some documents in the name of the 2nd petitioner were also seized by the police. It is her title deed. The two petitioners jointly made an application before the Judicial First Class Magistrate Court-I, Kochi as CMP No.2918/2014 under Section 451 Cr.P.C., for interim custody of the documents. The learned Magistrate, after hearing both sides, allowed the application in part. Accordingly, the first document in the list was ordered to be released to the petitioners, and the prayer as regards the

other documents was disallowed. That part of the order disallowing the request is under challenge under Section 482 Cr.P.C.

2. On hearing both sides, I find that the request for the registered documents requires re-consideration. It is submitted that most of the documents involved are registered documents. If the documents are registered sale deeds, no doubt, the documents can be released to the petitioners on appropriate conditions including the production of certified copies. There is no question of any tampering with registered sale deeds. The learned Magistrate will have to consider the request appropriately, and the registered sale deeds in custody can be released to the petitioners on appropriate conditions including direction to produce certified copy of the documents.

This Crl.M.C. is accordingly allowed. The court below is directed to consider the request afresh and pass orders appropriately, as indicated above.

Sd/-

P. UBAID, JUDGE

sd