

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No.996 of 2015 ()

**AGAINST THE ORDER IN CMP 4433/2014 of JUDL.M.F.C.-I,ERNAKULAM
DATED 25-12-2014
CRIME NO. 999/2014 OF PALARIVATTOM POLICE STATION , ERNAKULAM**

PETITIONER/ACCUSED:

**RUKSANA, AGED 36 YEARS
W/O.RATHEESH KUMAR, GALAXY HOME, KLINSTOM
4TH FLOOR, 4F, CHILAVANOOR ROAD
KADAVANTHRA.**

BY ADV. SRI.P.A.MARTIN ROY

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE,
PALARIVATTOM POLICE STATION.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

Crl.MC.No.996 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I CERTIFIED COPY OF THE ORDER DATED 26.12.2014 IN
CRL.M.P.NO.4433/2014 OF JFCM COURT NO.1,ERNAKULAM.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

P.UBAID, J

Crl.M.C.No.996 of 2015

Dated this the 3rd day of March, 2015

ORDER

The petitioner herein is one of the accused in Crime No.999/2014 of Palarivattom Police Station, Ernakulam. The Police seized some gold ornaments during investigation. The petitioner herein made an application before the learned Judicial First Class Magistrate Court-I, Ernakulam under Section 451 of Cr.P.C., for interim custody of the properties. The properties were in fact, seized from the possession of the petitioner herein by the police. Finding that, interim custody of the property can be given to the petitioner subject to final decisions, the learned Magistrate allowed C.M.P.No.4433/2014 on certain conditions. The petitioner is aggrieved by the condition No.4 directing her, to furnish sufficient security for Rs.75,000/-, by depositing title deed. This condition is sought to be set aside. On hearing both sides, I find that the other conditions imposed by the learned Magistrate will suffice in the particular facts and

circumstances. The petitioner is directed to execute bond with two sureties, she is directed to produce the properties as and when required by the court, and there is a direction that the nature of the property shall not be altered. It is a matter to be decided in the main proceeding, whether, the properties are liable to confiscation, or whether the properties can be released to the petitioner under Section 452 of Cr.P.C as her own personal belongings. However, I find that, the other conditions imposed by the court below will ensure production of the properties during trial. In such a situation, the condition No.4 can be set aside.

In the result, the petition is allowed. The condition No.4 imposed by the court below as per the order dated 26.12.2014 in C.M.P.No.4433/14, directing the petitioner to furnish security by depositing title deed, will stand set aside.

Sd/-
P.UBAID
JUDGE

vs