

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Crl.MC.No. 1033 of 2015

CRIME NO. 2518/2012 OF KUNNAMKULAM POLICE STATION , TRISSUR

PETITIONER(S):

**MRS.SHAMILA KUNJIMOITHU,
W/O.SAIFUDEEN.P.M., POKKAKILLATH HOUSE,
PERUMENU, KEEZHERRY P.O., THRISSUR DISTRICT.**

BY ADV. SRI.P.K.ANIL

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. THE CIRCLE INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION, TRICHUR-680523.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID OCW-III, SUB UNIT, THRISSUR-680001.**
- 3. THE BRANCH MANAGER, HDFC BANK LTD,
1ST FLOOR, AYSHA COMPLEX, KECHERY, THRISSUR-680501.**
- 4. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682031.**

**R1,2 & 4 BY DIRECTOR GENERAL OF PROSECUTION SRI.T.ASAF ALI
R3 BY ADV. SRI.T.RAJESH, SC, HDFC BANK LTD.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' ANNEXURES

ANNEXURE I: COPY OF THE INTIMATION SENT BY THE R3 TO THE R1

**ANNEXURE II: COPY OF THE BANK STATEMENT OF HUSBAND OF THE PETITIONER
AND THE PETITIONER**

**ANNEXURE III: COPY OF THE MAHAZAR DATED 28/12/12 PRODUCED BEFORE THE
PRINCIPAL SESSIONS COURT, TRICHUR.**

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

Crl.M.C.No.1033 Of 2015

Dated this the 26th day of May, 2015.

ORDER

The prayer in this Crl.M.C is as follows:

“..... to lift the seizing order of the 1st respondent with respect to the account of the petitioner bearing No.15371000020586 of HDFC Bank Ltd, Kecheri Branch, Trichur District, and may be pleased to quash Annexure I Order of the 3rd respondent in blocking the account of the Petitioner with the bank, in the interest of justice”.

2. This Court had passed order dated 26.3.2015 in this Crl.M.C which reads as follows:

“The 1st respondent has failed to submit report in compliance with the direction made by the court on 20.2.2015. He was required to report whether the prohibition order made under Section 68 F of the NDPS Act is confirmed by the competent authority within the prescribed time. Now, the learned counsel for the petitioner submits that there is no such confirmation order. If so, the said order will have no force. The consequence is that the petitioner will be at liberty to operate his bank account. He is accordingly allowed to operate his bank account. Direction accordingly is given to the 3rd respondent. The 3rd respondent will comply with the directions and act accordingly. Furnish a copy of this order to the learned Standing Counsel for the 3rd respondent.”

CrI.M.C.No.1033 Of 2015

3. Learned State Public Prosecutor submits that the aforementioned bank account of the petitioner has not been confirmed in terms of the provisions under Sec.68(F)(2) of the NDPS Act even though confirmation order in some other aspects have already been issued. It is further submitted that the moneys involved have accordingly released to the petitioner. This factual position is admitted to be correct by the learned counsel for the petitioner. In this view of the matter, no further orders are necessary in this CrI.M.C.

Accordingly, the CrI.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-