

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

Cr1.MC.No. 1058 of 2015  
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IN C.M.P 296/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE  
COURT, PEERUMEDU  
CRIME NO. 340/2002 OF PEERUMEDU POLICE STATION, IDUKKI

PETITIONER/PETITIONER:  
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BENNY P.C, AGED 47 YEARS,  
S/O.CHACKO, PERUMPALLIL HOUSE,  
ANAKKARA P.O., IDUKKI

BY ADV. SRI.L.RAJESH NARAYAN

RESPONDENT/RESPONDENT:  
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STATE OF KERALA  
REPRESENTED BY SUB INSPECTOR OF POLICE,  
PEERMADE POLICE STATION,  
THROUGH THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA  
ERNAKULAM

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 20-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1058 of 2015  
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APPENDIX

PETITIONER'S ANNEXURES:  
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A1- COPY OF THE ORDER DATED 27.1.2003 IN C.M.P NO.29/2003 OF THE  
JUDICIAL FIRST CLASS MAGISTRATE COURT, PEERMADE

A2- COPY OF THE ORDER DATED 25.4.2003 IN CRMC.NO.3179/2003

A3- COPY OF THE SCRUTINY REPORT DATED 11.2.2013

RESPONDENT'S ANNEXURES:  
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NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.1058 of 2015**  
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Dated this the 20<sup>th</sup> day of March, 2015

**O R D E R**

The petitioner herein had filed an application under Section 451 of the Code of Criminal Procedure before the Judicial First Class Magistrate Court, Peermade for interim custody of a huge amount involved in Crime No.340/2002 of the Peermade Police Station. The learned Magistrate allowed the petitioner's request, and in compliance of the conditions he produced a title deed of his friend as security in court. In the said case, involving the offences of robbery and dacoity, the trial court found the accused guilty under Section 392 of the Indian Penal Code. Appeal brought by the accused against the conviction was dismissed by the learned Additional Sessions Judge, Thodupuzha. Now a revision brought by the accused against the conviction is pending before this Court as Crl.R.P No.2127/2006. Nobody can have any claim over the amount released to the petitioner by the trial court under Section 451 of the Code of Criminal Procedure. As regards the property claim, the matter stands practically concluded. Now the petitioner

wants to take back the title deed. If it is not given to the surety, it will cause much harm and hardship to him. The petitioner made an application before the trial court. But the trial court could not allow it because the case records were, by that time transmitted to this Court. Pending this proceeding I verified the case records in Crl.R.P No.2127/2006. The title deed produced by the petitioner forms part of the records. This title deed can very well be returned to the petitioner. There is absolutely no necessity to keep it as part of the records. The claim over the property is also not something to be adjudicated in the revision. Accordingly, I find that the petitioner's request can be allowed, and the title deed can be released to him from this Court.

In the result, this Criminal Miscellaneous Case is allowed. The title deed produced by the petitioner in compliance of the conditions under Section 451 of the Code of Criminal Procedure, in the trial court, will be released to him from this Court. Registry will act accordingly.

**P.UBAID  
JUDGE**

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