

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Crl.MC.No. 1075 of 2015 ()

**CRIME NO. 799/2014 OF ERATTUPETTA POLICE STATION, KOTTAYAM
CC NO. 767/14 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ERATTUPETTA**

PETITIONER/4TH ACCUSED :

**SHAJI PAUL, AGED 40
S/O.PAUL, KUDAKKANAL HOUSE, KUNNOM KARA
POONJAR THEKKEKKARA VILLAGE,
MEENACHIL TALUK.**

**BY ADVS.SRI. V. RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM**

RESPONDENTS/STATE & COMPLAINANT :

**1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**2. SUB INSPECTOR OF POLICE,
ERATTUPETTA-686122.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 1075 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE-A1 CERTIFIED COPY OF ORDER IN C.M.P. 5501/14 IN CRIME
 NO.799/14 OF ERATTUPETTA POLICE STATION (C.C.767/14)
 DATED 6.1.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.UBAID, J.

Crl. M.C No.1075 of 2015

Dated this the 6th day of March, 2015.

O R D E R

The petitioner herein is the accused No.4 in Crime No.799/14 of the Erattupetta police Station registered under Section 420 IPC, Section 17 of the Kerala Money Lenders Act, and Section 9(2) of the Kerala prohibition of charging Exorbitant Interest Act 2012. During investigation the police seized two documents; one relating to the second accused and the other relating to the fourth accused. The two documents are registered sale deeds. The petitioner made an application before the learned Judicial First Class Magistrate, Eerattupetta for interim custody of the said document under Section 451 Cr.P.C. The learned Magistrate dismissed the said application, C.M.P No.5501/14, on 6.1.2015 on the ground that the petitioner will tamper with the document, if it is released. The said order is under challenge, and it is sought to be set aside. On hearing both sides and on a perusal of the impugned order I find that the document can be released to the petitioner on appropriate reasonable conditions. The document sought by the petitioner under Section 451 Cr.P.C is a registered sale

deed. There is question of tampering or making additional entries in the document, when it is a registered sale deed. For the purpose of trial, or for proving the transaction, a certified copy of the document will suffice. On the petitioner producing a certified copy to substitute, the original document can be released to him on appropriate reasonable conditions.

In the result, this petition is allowed. The impugned order is hereby set aside and the court below is directed to release the document to the petitioner on appropriate reasonable conditions, on production of a certified copy of the document in court.

P.UBAID,
JUDGE

sab