

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

CrI.MC.No. 1933 of 2015

CMP 7629/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KANNUR

PETITIONER/THIRD PARTY:

**AYUBKHAN, AGED 46 YEARS,
S/O.ABBAS, PEARL CASTLE, ANCHAMPEEDIKA,
KANNUR.**

**BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.BHARATHAN**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 1933 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE-I TRUE COPY OF THE AFFIDAVIT WITH PETITION IN C.M.P.7629/2014

**ANNEXURE-II CERTIFIED COPY OF THE ORDER IN CMP.7629/14 ON THE FILE OF
JFCM COURT-I,KANNUR.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

.....
CRL. M.C. No. 1933 of 2015
.....

Dated this the 2nd day of September, 2015

ORDER

The petitioner has applied before the court below seeking return of his title deed No.2932/2010 which was seized in connection with Crime No.642/2014 of the Kannur Town Police Station. When the custody of that document has been sought for by the petitioner, the court below has passed Annexure II order. It is true that Annexure II order is full of factual errors and mistakes. The court below has taken the view that what has been sought for is an agreement allegedly executed by another person.

2. Whatever it is, the said document is required for the continued proceedings in the case against the accused. The document has been seized from the possession of the accused and not from the possession of the petitioner, who

is a third party. In such case, the said document cannot be ordered to be returned to the petitioner. For the purposes mentioned in the petition, the petitioner can obtain a certified copy of the document from the concerned sub-registry, if required. Matters being so, there is no merit in this Crl.M.C.

In the result, this Crl.M.C. is dismissed.

Sd/-
B. KEMAL PASHA, JUDGE.

ul/-

// True Copy //

PS to Judge