

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Crl.MC.No. 1337 of 2014 ()

CRIME NO. 340/2013 OF NADAPURAM POLICE STATION, KOZHIKODE.

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PETITIONER/ACCUSED:

**JYOTHI KUMAR, S/O.RAMUNNI NAMBIAR,
AGED 48 YEARS, SREELAKSHMI, PUTHALATH THAZHAKUNI,
THUNERI, NADAPURAM, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.JOBY JACOB PULICKEKUDY,
SRI.ANIL GEORGE.**

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE ,
NADAPURAM POLICE STATION,
NADAPURAM, KOZHIKODE DISTRICT-673 514.**
- 3. T.N. GOPALAN, AGED 64, S/O.ACHU,
THAZHENIRAVATHU HOUSE, IRIGANNUR P.O.,
KOZHIKODE-673 514.**
- 4. MOHAMMED, AGED 65, S/O.PAKRAN HAJI,
RESIDING AT PUTHENPURAYIL, MATHATH HOUSE,
THUNGERI, MUDAVANTHERI, KOZHIKODE-673 505.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.P. MAYA.
R3 & R4 BY ADV. SRI.MATHEWS K.UTHUPPACHAN.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- | | |
|---------------------|---|
| ANNEXURE A1 | COPY OF THE FIRST INFORMATION REPORT. |
| ANNEXURE A2 | COPY OF THE SEIZURE MAHAZAR DATED 20/05/2013
PREPARED BY THE 2ND RESPONDENT. |
| ANNEXURE A3 | COPY OF THE STATEMENT OF A.S.I., NADAPURAM
POLICE STATION. |
| ANNEXURE A4 | COPY OF THE STATEMENT OF SURESH BABU,
SENIOR CIVIL POLICE OFFICER. |
| ANNEXURE A5 | COPY OF THE STATEMENT OF NANU RECORDED BY THE
2ND RESPONDENT. |
| ANNEXURE A6 | COPY OF THE STATEMENT OF T.N. GOPALAN RECORDED
BY THE 2ND RESPONDENT. |
| ANNEXURE A7 | COPY OF THE STATEMENT OF MUHAMMED REOCRDED
BY THE 2ND RESPONDENT. |
| ANNEXURE A8 | COPY OF THE AFFIDAVIT SWORN TO BY GOPALAN. |
| ANNEXURE A9 | COPY OF THE AFFIDAVIT GIVEN BY MOHAMMED |
| ANNEXURE A10 | CERTIFIED COPY OF THE FINAL REPORT SUBMITTED
BY THE 2ND RESPONDENT. |

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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CRL.M.C. No. 1337 of 2014
.....

Dated this the 5th day of October, 2015

ORDER

Petitioner is the accused in C.C.No.1179/2013 of the Judicial First Class Magistrate's Court, Nadapuram, registered for the offences punishable under Sections 3,18 (A), 6(A) and 17 of the Kerala Money Lenders Act, 1958 and Section 420 IPC, which has arisen from Crime No.340/2013 of the Nadapuram Police Station.

2. According to the petitioner, he has no money lending business and he is only a document writer. According to the petitioner, he was just keeping the documents, like blank signed cheques, blank signed stamp

papers etc. entrusted by others, for them. It is his further case that the search and seizure were not in accordance with law.

3. This Court cannot go into the intrinsic particulars of the evidence collected by the investigating officer. It is a fact that some blank signed cheque leaves and stamp papers were seized from the search conducted at the house of the petitioner. The present stage is too premature to consider the merits or otherwise of the allegations against the petitioner. Respondents 4 and 5 have filed separate affidavits before the court below stating that their cheque leaves, which were given to another person, were entrusted to the petitioner as he was authorised by them to collect the same and to keep it. Those matters can be considered by the court below. The petitioner can file an application under Section 239 Cr.P.C. before the court below so that the learned Magistrate can consider the same and pass appropriate orders. Till the stage of Section 239 Cr.P.C. the

court below shall not insist the personal appearance of the petitioner.

With the said observation, this Crl.M.C. is closed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge