

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Crl.MC.No. 2622 of 2014 (D)

**C.C.No. 99/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
THRISSUR**

PETITIONER :-

**JAISON, S/O.CHACKO,
AGED 42 YEARS,
PULLOKARAN VEETIL,
PALAKKAL DESOM,
PALLISSERRY VILLAGE,
THRISSUR.**

**BY ADVS.SMT.DAISY A.PHILIPOSE
SRI.JAI GEORGE
SRI.FEBIN JAMES**

RESPONDENTS :-

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 011.**
- 2. C.J.DAISON, S/O.JOSE,
CHAKKALAKAL HOUSE,
LOURDEPURAM, PROPRIETOR,
SELECT JEWELLERY TOOLS,
ATLANTO BUILDING,
NEAR PUTHANPALLI,
THRISSUR - 680 001.**

**R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 BY ADV. SRI.RAJIT**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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Crl.MC.No. 2622 of 2014 (D)

APPENDIX

PETITIONER(S)' EXHIBITS :

**ANNEXURE A1 :- TRUE COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.687/2009 OF CHERPU POLICE STATION.**

**ANNEXURE A2 :- TRUE COPY OF THE CMP NO.6102/2009 FILED BEFORE
THE JFCM-I, THRISSUR.**

**ANNEXURE A3 : TRUE COPY OF THE M.P.NO.1397/2011 FILED BEFORE
THE JFCM-I, THRISSUR.**

**ANNEXURE A4 : A TRUE COPY OF THE JUDGMENT DATED 12.09.2012 IN
O.P(CRL)NO.2957/2012.**

**ANNEXURE A5 : A TRUE COPY OF THE PROCEEDINGS DATED 09.12.2013
OF THE JFCM-I, THRISSUR IN C.C. 99/10.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

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P.A. TO JUDGE

P.UBAID, J.

Crl.M.C No. 2622 of 2014

Dated this the 4th day of February, 2015

ORDER

The petitioner herein is one of the prosecution witnesses in C.C.No.99 of 2010 before the Judicial First Class Magistrate Court-I, Thrissur. Some property was released to him from the Court under Section 451 Cr.P.C. at the initial stage on conditions. Now the learned Magistrate has directed him to produce the property in Court. One of the conditions imposed by the Court is that he will have to produce the properties as and when required by the trial court. The direction made by the Court below, is sought to be set aside on the ground that the trial court has been proceeding to decide the question of title over properties now. Now there is a report from the learned Magistrate that the petitioner has been directed to produce the properties in Court only for the purpose of identification during trial, and it is not at all for the purpose of considering the rival claim made by the

other side. Ofcourse the petitioner will have to produce the properties in Court. I do not find any irregularity or illegality in the orders passed by the trial court, directing the petitioner to produce the properties in court. When the trial court finds the necessity of identification of the property during trial, the person or the witness who received the properties in interim custody under Section 451 Cr.P.C. on conditions will have to produce it in Court. It appears that the petitioner's grievance is that at this preliminary stage the trial court may decide the question of title in view of the rival claim made by the other side. The petitioner need not have any such apprehension now. Once the property is released to the petitioner under Section 451 Cr.P.C. the next course for decision regarding rival claim is only under Section 452 Cr.P.C, at the final stage, when the case is disposed of. No doubt the trial court will decide the question of title on the rival claim at the final stage, when the case is disposed of. The petitioner has received the properties on conditions, and in compliance of the conditions imposed by the trial court,

he will have to produce the properties in Court. I find no scope for interference in the orders passed by the Court below.

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

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE