

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No.5589 of 2015

CC 1231/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, TRIPUNITHURA
CRIME NO. 645/2014 OF UDAYAMPEROOR POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED:

BHUVANENDRA DAS, AGED 75 YEARS
S/O.ACHUTHAN, THOPPIL HOUSE, CHAKKUKULAM
SOUTH PARAVOOR, MANAKUNNAM VILLAGE

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS/COMPLAINANT:

STATE OF KERALA
THROUGH THE S I POLICE
(CRIME 940/2014 OF HILL PALACE POLICE STATION)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
19-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

ANNEXURE 1:-COPY OF THE ORDER IN CRIME 2343/2015 DTD 8/6/2015 PASSED
BY THIS HON'BLE COURT

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE.

ALEXANDER THOMAS, J.

Crl.M.C.No.5589 Of 2015

Dated this the 19th day of August, 2015.

ORDER

The petitioner herein is the sole accused in C.C.No.1231/2015 on the file of the Judicial First Class Magistrate Court, Tripunithura, wherein he was charge sheeted for the offences under Sec.511 of 465 of the IPC, Sec.3 r/w 17 of the Kerala Money Lenders Act, Secs.4 & 5 of the Kerala Prohibition of Charging Exorbitant Interest Act and Sec.3 r/w 4 of the Price Chit Money Circulations Scheme Banning Act. It is stated that the 2nd respondent during the course of investigation seized an amount of Rs.28,58,959/- from the house of the petitioner herein and presented before the trial court. The petitioner had challenged the very initiation of the criminal proceedings in this case arising out of final report/charge sheet in the crime which led to the institution of C.C.No.1231/2015 on the file of the Judicial First Class Magistrate Court, Tripunithura, on the ground of settlement between the petitioner and defacto complainant, by filing Crl.M.C.No.2343/2015 before this Court by invoking the provisions contained under Sec.482 of the Cr.P.C. This Court as per Anx-A1 order dated 8.6.2015 in

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Crl.M.C.No.2343/2015 had quashed the impugned criminal proceedings which led to C.C.No.1231/2015 on the file of the Judicial First Class Magistrate Court, Tripunithura, and all further proceedings therein on the ground of settlement between the petitioner and the defacto complainant. It is in the light of these aspects that the petitioner has prayed in this petition for a direction to the Judicial First Class Magistrate Court, Tripunithura, to release the amount of Rs.28,58,959/- seized from the petitioner in connection with the said crime.

2. Heard Sri.C.P.Udayabhanu, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

3. It is indisputable that the very impugned criminal proceedings initiated against the petitioner which led to the institution of C.C.No.1231/2015 on the file of the Judicial First Class Magistrate Court, Tripunithura, has already been quashed by this Court as per Anx-A1 judgment dated 8.6.2015 in Crl.M.C.No.2343/2015. Accordingly, it is made clear that in case an amount of Rs.28,58,959/- has been seized from the petitioner in connection with the impugned Crime No.645/2014 of Udayamperur Police Station (which led to the institution of C.C.No.1231/2015 on the file of the Judicial First Class

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Magistrate Court, Tripunithura) and the said amount is lying in deposit before the said Magistrate Court, then it is ordered in the interest of justice that the said Magistrate Court shall take steps to ensure that the said amount is refunded back to the petitioner without any further delay.

With these observations and direction, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-