

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Cr1.MC.No. 5813 of 2015 ()

CRIME NO. 1602/2011 OF ERNAKULAM TOWN SOUTH POLICE STATION,
ERNAKULAM DISTRICT

PETITIONERS/ACCUSED:

1. MUHAMMED THOMMAN VALAPPIL, AGED 60 YEARS,
S/O.HYDRAMAN, THOMMAN VALAPPIL HOUSE, EAST MANGAD P O,
KOTTARAM, VADAKKANCHERY, THRISSUR DISTRICT.

2. AMINA MUHAMMED, AGED 51 YEARS,
W/O.MUHAMMED THOMMAN VALAPPIL,
THOMMAN VALAPPIL HOUSE, EAST MANGAD P O, KOTTARAM,
VADAKKANCHERY, THRISSUR DISTRICT.

BY ADV. SRI.K.RAKESH

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM

*ADDL.R2 IMPEADED:

ADDL.R2: IDBI BANK LTD, RETAIL ASSET CENTRE,
2ND FLOOR, IDBI BUILDING,
NEAR PASSPORT OFFICE, PANAMPILLY NAGAR,
KOCHI-682 036,
REPRESENTED BY ITS ASSISTANT GENERAL MANAGER,
SRI.JOBY J. GEORGE.

*ADDL.R2 IS IMPEADED AS PER ORDER DATED 29.10.2015 IN
CRL.M.A.NO.10043 OF 2015

R1 BY PUBLIC PROSECUTOR SRI.P.S.ABDUL KAREEM
ADDL.R2 BY ADVS. SRI.PRAKASH P.GEORGE
SRI.SADER E.REAZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A:- COPY OF THE FIR IN DTD 27/9/2011 IN CRIME NO 1602/2011 OF ERNAKULAM TOWN SOUTH POLICE STATION.

ANNEXURE B:- COPY OF THE NOTICE U/S.41(A) OF CrPC DTD 23/8/2013.

ANNEXURE C:- COPY OF THE PASSPORT OF THE 1ST PETITIONER BEARING NO E9126354.

ANNEXURE D:- COPY OF THE PASSPORT OF THE 2ND PETITIONER BEARING NO H7743555.

ANNEXURE E:- COPY OF THE CERTIFICATE OF ENCUMBRANCE ISSUED FROM SUB REGISTRAR OFFICE, RANNI DTD 13/8/2015.

RESPONDENTS' ANNEXURES:

ANNEXURE R2(A):- COPY OF THE SALE AGREEMENT DATED 10.11.2010.

ANNEXURE R2(B):- COPY OF THE GENERAL POWER OF ATTORNEY DATED 04.11.2010 EXECUTED BY THE 1ST PETITIONER.

ANNEXURE R2(C):- COPY OF THE LOAN AGREEMENT DATED 30.11.2010 ALONG WITH THE CONNECTED DOCUMENTS.

ANNEXURE R2(D):- COPY OF THE LETTER DATED 31.12.2010 EVIDENCING THE DEPOSIT OF TITLE DEEDS EXECUTED BY THE WIFE OF THE 1ST PETITIONER.

ANNEXURE R2(E):- COPY OF THE COPY OF THE PASSPORT BEARING NO.E9126543 OF 1ST PETITIONER.

ANNEXURE R2(F):- COPY OF THE PASSPORT BEARING NO.H7743535 ISSUED TO THE WIFE OF THE 1ST PETITIONER.

ANNEXURE R2(G):- COPY OF THE ORDER DATED 09.07.2015 IN BAIL APPLICATION NO.3133/2015.

// True Copy //

P.A. To Judge

B.KEMAL PASHA, J.

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Crl.M.C. No. 5813 of 2015

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Dated this the 29th day of October, 2015

ORDER

Heard the learned counsel for the petitioners, learned Public Prosecutor and the learned counsel for the Additional 2nd respondent.

2. The statement dated 19.10.2015 filed by the investigating officer is recorded. It seems that presently four other accused persons are also arraigned in the crime and the investigation is being proceeded with. As pointed out by the learned counsel for the petitioners, it seems that the investigation was going on a snail pace manner in a crime registered in the year 2011. The investigating officer shall conduct a fruitful investigation in the matter and shall investigate the matter expeditiously.

With the said direction and by recording the statement

dated 19.10.2015, this Crl.M.C. is disposed of. In case of any lapses on the part of the investigating officer, the petitioners are free to approach this Court again.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/29/10/15

// True Copy //

P.A. To Judge