

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Crl.MC.No. 5819 of 2015 ()

CRIME NO. 641/2014 OF EZHUKONE POLICE STATION,KOLLAM DISTRICT

PETITIONER/2ND ACCUSED:

**M.SHAJAHAN,S/O.MOIDEEN KUNJU,
PANDALA HOUSE, KATTIKKADAVU CHERRI,
ADINAD VILLAGE, KARUNAGAPPALLY.**

**BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SRI.MANU SEBASTIAN**

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. STATE OF KERALA
THROUGH STATION HOUSE OFFICER,
EZHUKONE POLICE STATION.**
- 2. A.PONNAPPAN, BIJU BHAVAN,
PAZHAYATTU MURI, KIZHAKKEKALLADA,
KOLLAM.**

R1 BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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CRMC.NO.5819/2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEX 1 COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.641/14 OF
EZHUKONE POLICE STATION**

**ANNEX II COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.562/12 OF
KOTTARAKARA POLICE STATION.**

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B.KEMAL PASHA, J.

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CrI.M.C. No. 5819 of 2015

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Dated this the 27th day of October, 2015

ORDER

The petitioner is the 2nd accused in Crime No.641/2014 of the Ezhukone Police Station, registered for the offences under Sections 420 and 465 of the IPC and Section 12 and 17 of the Kerala Money Lenders Act. The crime was registered on the basis of Annexure - I complaint filed by the complainant before the Judicial First Class Magistrate's Court - I, Kottarakara, which was referred to the Police under Section 156(3) Cr.P.C.

2. The allegation is that the complainant had borrowed some amount from the 1st accused, who is a money lender, by pledging the RC books of his two contract carriages, and even though the amounts were returned with interest, the RC books and the other documents obtained from the complainant were not returned by the 1st accused.

It is further alleged that the 1st accused, instead of handing over the RC books to the complainant, has handed over the RC books to the present petitioner, who is the 2nd accused. In substance, the allegation is that the petitioner was also hand in gloves with the 1st accused.

3. The learned counsel for the petitioner has pointed out that earlier another crime was registered by the Kottarakara Police as Crime No.562/2012 on the basis of Annexure-II private complaint filed by the complainant before the Judicial First Class Magistrate's Court-I, Kottarakara, which was referred to the Kottarakara Police under Section 156(3) Cr.P.C. The learned counsel for the petitioner has pointed out that there are material differences between the allegations of money lending as well as the amounts involved in both the cases. It is also argued that at any stretch of imagination, the petitioner cannot be treated as a money lender and the offences cannot be invited as against the petitioner.

4. The learned Public Prosecutor has pointed out that during investigation of the present crime, ie., Crime No.641/2014 of the Ezhukone Police Station, a search was conducted at the premises of the petitioner and nothing incriminating is seized from the premises. Of course, the investigation is continuing. In case of no evidence against the petitioner, the Investigating Officer will certainly file a final report by referring the case against the petitioner. Let the investigation continue. At this stage, the investigation cannot be stopped. It is too premature to say anything with regard to the merits or otherwise of the allegations against the petitioner, at present.

By directing the Investigating Officer to complete the investigation expeditiously, this Crl.M.C is closed.

Sd/-
B.KEMAL PASHA, JUDGE

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