

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

CrI.MC.No. 5839 of 2015 ()

CC. NO.417/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
KANJIRAPPALLY
CRIME NO. 425/2014 OF PALLIKATHODU POLICE STATION, KOTTAYAM DISTRICT.

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PETITIONER/ACCUSED:

K.P. CHANDRAN, AGED 49 YEARS,
S/O.KOCHUKUTTY, CHERUPUSHPAM HOUSE,
KODUNGOOR BHAGOM, VAZHOOR VILLAGE,
KOTTAYAM DISTRICT.

BY ADVS.SRI.JOSY ANTONY,
SRI.V.R.GOPU.

RESPONDENTS/COMPLAINANT & STATE:

STATE OF KERALA,
REPRESENTED BY THE CIRCLE INSPECTOR OF POLICE,
KOTTAYAM, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SMT.P. MAYA.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 31-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE 1 COPY OF THE FINAL REPORT IN CC NO.417/2015 ON THE FILE
OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
KANJIRAPPALLY, IN CRIME NO.425/2014 OF PALLIKATHODU
POLICE STATION, KOTTAYAM DISTRICT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

B.KEMAL PASHA, J.

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CRL.M.C. No.5839 of 2015

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Dated this the 31st day of August, 2015

ORDER

Heard the learned counsel for the petitioner. What is under challenge is the Final Report filed by the Police after investigation in Crime No.425 of 2014 of Pallikathodu Police Station, before the Judicial First Class Magistrate's Court-I, Kanjirappally, alleging offences punishable under Section 3 read with Section 17 of the Kerala Money Lenders Act, 1958.

2. According to the learned counsel for the petitioner, there is no evidence in the case before the court below to show that at the relevant time, the petitioner was engaged in money lending business. Those are matters to be considered by the court below while appreciating the aspects under Sections 239 and 240 Cr.P.C. The petitioner has got an opportunity to appraise the court below that there are no

materials to substantiate the allegations against the petitioner and that the petitioner is entitled to a discharge.

With liberty to have recourse to such a course, this Crl.M.C. is closed.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/31/8/15