

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Crl.MC.No. 5974 of 2015 ()

CC.NO. 1446/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II, CHERTHALA

PETITIONER/ACCUSED:

**VIJAYAN NAIR, SON OF PRABHAKARAN NAIR,
ARUNIMA HOUSE, WARD NO. 10,
PANAVALLY PANCHAYAT, CHERTHALA TALUK.**

**BY ADVS.SRI.K.G.PAVITHRAN
SRI.V.N.SUBHANGAN**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 5974 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEX AI: TRUE COPY OF THE FINAL REPORT DATED 14.07.2014 FILED BY THE
POLICE**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B.KEMAL PASHA, J.

=====

Crl.M.C. No. 5974 of 2015

=====

Dated this the 5th day of October, 2015

ORDER

The petitioner is the accused in C.C No.1446/2014 of the Judicial First Class Magistrate' Court - II, Cherthala, which has arisen from Crime No.564/2014 of the Poochakkal Police Station, for the offences punishable under Sections 17 of the Kerala Money Lenders Act, 1958 and Section 4 of the Kerala Prohibition of charging Exorbitant Interest Act, 2012.

2. The allegation against the petitioner is that he has been conducting illegal money lending without licence and used to charge exorbitant interest. A search was allegedly conducted at his house and some documents were seized. According to the learned counsel for the petitioner, no offence can be made out by the mere seizure of those documents. It seems that charges have not been framed so

far in the matter. This Court cannot go into the intrinsic particulars of the evidence collected by the Investigating Officer. At the same time, the court below, at the stage of Section 239 Cr.P.C., can consider those aspects.

With liberty to the petitioner to file an application under Section 239 Cr.P.C. before the court below, this Crl.M.C is presently closed.

Sd/-
B.KEMAL PASHA, JUDGE

stu