

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

CrI.MC.No. 6402 of 2015 ()

**CC.NO. 2682/2014 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT-III, NEYYATTINKARA**

**CRIME NO. 585/2014 OF KOVALAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/ACCUSED:

**BABU @ BOMMA BABU, AGED 47 YEARS,
S/O. GOPALAKRISHNAN, MEENA BHAVAN, VETTUIVILA,
K.S. ROAD, MUTTAKADU, VENGANOOR VILLAGE.**

**BY ADVS.SRI.R.T.PRADEEP
SMT.M.BINDUDAS**

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

CRL.MC.NO.6402/2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEX 1 CERTIFIED COPY OF F.I.R. DATED 11/5/2014 IN CRIME NO.585/2014 OF KOVALAM POLICE STATION.

ANNEX II CERTIFIED COPY OF FINAL REPORT DATED 5/11/2014 IN C.C.NO.2682/2014 BEFORE J.F.M.C.-III, NEYYATTINKARA WHICH AROSS FROM CRIME NO.585/2014 OF KOVALAM POLICE STATION.

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

.....
Crl.M.C. No.6402 of 2015
.....

Dated this the 14th day of October, 2015

ORDER

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Under the guise of a strive against illegal money lending, it is alleged that the police personnel barged into the house of the petitioner and seized a promissory note accompanied with a cheque for ₹10,000/- executed by one of the neighbours of the petitioner, and another promissory note for ₹2,000/-. The petitioner is categorised as a money lender and it is alleged that the police have taken away an amount of ₹4,75,000/- from his house. According to the petitioner, even though such an amount kept by him for the construction of his house was taken away, the police have accounted an amount of ₹1,25,360/- only.

2. On going through the contents of the final report itself, it is evident that the case as such is cooked up, solely

for having an entry into the house of the petitioner. It seems that such an allegation has been raised and his house was searched. At any stretch of imagination, the petitioner cannot be styled as a money lender on the basis of the said two promissory notes. The cheque seized is one supporting one of the promissory notes.

3. On going through the contents of the final report and on hearing the learned counsel for the petitioner, this Court is satisfied that no offences are made out in the case and proceedings are liable to be quashed.

4. At the same time, it is a matter of concern that under the guise of such an investigation, an amount of ₹4,75,000/- kept by the petitioner was allegedly taken away from his house. The version of the police is that an amount of ₹1,25,360/- only was seized from the house of the petitioner. The matter requires thorough enquiry. It is a fact that the petitioner has not preferred any complaint with regard to the money taken away from his house. It seems

that the present attempt of the petitioner is however to get away from the trap in which he is presently entangled. Therefore, the silence of the petitioner in the matter of the taking away of the amount from his house, does not assume much importance. The State Police Chief shall look into the matter and make necessary arrangements to have a proper enquiry in the matter.

In the result, this Crl.M.C. is allowed with the above directions. The amount accounted by the police as the amount seized from the house of the petitioner shall be released forthwith to the petitioner.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/14/10

// True Copy //

PA to Judge