

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Cr1.MC.No. 6449 of 2015 ()

CRL.M.P.3567/2015 of CHIEF JUDICIAL MAGISTRATE'S COURT,
PALAKKAD

PETITIONER:

M/S. INDIA INFOLINE FINANCE LIMITED,
HAVING STATE OFFICE AT SANA TOWERS, 1ST FLOOR,
M G ROAD, JOSE JUNCTION,
REP BY DEPUTY MANAGER(LEGAL), MR. RAJ C. R., AGED 33,
S/O.C R RAMACHANDRAN, CHERUKANATHUNDIYIL HOUSE,
ARANGATH ROAD, KOCHI 18.

BY ADV. SRI.VARGHESE C.KURIAKOSE

RESPONDENTS:

1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031

2. SUB INSPECTOR OF POLICE
TOWN NORTH POLICE STATION, PALAKKAD 678001.

3. SATHEESH
S/O.CHEKKU, AGED 28, CHOLAKKAL HOUSE, KONDOTTY P O,
MALAPPURAM DISTRICT 673020.

R1 & R2 BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

DSV/26/10/15

Cr1.MC.No. 6449 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1:- COPY OF THE RC PARTICULARS OF THE VEHICLE.

ANNEXURE A2:-COPY OF THE ORDER DTD 21/9/2015 PASSED BY THE
SOLE ARBITRATOR, RETD, DISTRICT JUDGE K BALASUBRAMANIAN.

ANNEXURE A3:-COPY OF THE APPLICATION PREFERRED AS
CRL.M.P.NO. 3567/2015 IN CRIME NO 813/2015.

ANNEXURE A4:-COPY OF THE ORDER IN CRL.M.P. NO 3567/2015 DTD
20/8/2015 ON THE FILE OF CHIEF JUDICIAL MAGISTRATE COURT,
PALAKKAD.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

B.KEMAL PASHA, J.

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Crl.M.C. No. 6449 of 2015

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Dated this the 26th day of October, 2015

ORDER

What is under challenge is Annexure-A4 order passed by the court below on the petition filed by the petitioner under Section 451 Cr.P.C.

2. It seems that the court below has passed a cryptic order by stating that *“There are rival claimants to the property. Hence, interim custody cannot be given to one of the petitioners. Hence petition dismissed.”* When there are rival claims, it is for the court below to decide the validity of the claims and to pass

appropriate orders in accordance with law. That is the purpose for which courts are created. Much discussion is not required to conclude that Annexure-A4 order is *per se* illegal and is liable to be quashed.

In the result this Crl.M.C. is allowed and Annexure-A4 stands quashed. The court below shall decide the claims and pass appropriate orders in accordance with law.

The parties shall appear before the court below on 11.11.2015.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/26/10/15

// True Copy //

P.A. To Judge