

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Cr1.MC.No. 6765 of 2015 ()

CMP 5941/2015 of C.J.M., KOLLAM DATED 01-10-2015

CRIME NO. 1658/2015 OF KOLLAM EAST POLICE STATION.

PETITIONER(S)/CLAIM PETITIONER/1ST ACCUSED:

1. SEEMA JAMES, AGED 38 YEARS
W/O.JAMES GEORGE, MODERN GROUP HOUSE, KARPURAM CHERY
VADAKKEVILA VILLAGE, KOLLAM DISTRICT.

2. JAMES GEROGE @ BASALIYOS AGED 54 YEARS
MARTHOMA PRADHAMAN, S/O.GEORGE, MODERN GROUP HOUSE
CHEMMAMUNDA, VADAKKEVILA, KOLLAM DISTRICT.

BY ADVS.SRI.RAJIT
SRI.A.S.JEOTHI BASU

RESPONDENT(S)/STATE:

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

BY PUBLIC PROSECUTOR SMT.MAYA.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONERS' ANNEXURES:

- A. COPY OF THE RECEIPT OF RS.2,20,000/- BY THE 1ST PETITIONER.
- B. COPY OF THE APPLICATION CMP NO.5941/2015 IN CRIME NO.1658/2015 OF THE KOLLAM POLICE STATION.
- C. COPY OF THE ORDER OF THE LEARNED CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM DATED 01.10.2015 IN CMP NO.5941/2015 IN CRIME NO.1658/2015 OF THE KOLLAM POLICE STATION.

RESPONDENT'S ANNEXURES : NIL

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P.A to Judge

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B.KEMAL PASHA, J.

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Crl.M.C. No. 6765 of 2015

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Dated this the 16th day of November, 2015

ORDER

Heard the learned counsel for the petitioners.

2. The learned counsel for the petitioners has pointed out that sufficient document has been produced to show that the amount has been obtained by pledging the gold ornaments of the 1st petitioner at Muthoot Bankers. Annexure-A shows that she had pledged her gold ornaments as aforesaid.

3. According to the learned Public Prosecutor, the amount was seized from the office and not from the house of the petitioners and therefore, the court below has taken a correct view that the said amount was obtained by offering false certificates, from various persons. At the same time, the learned counsel for the petitioners has pointed out that the petitioners are residing in the very same building in which the office is

housed. The office is a part of the building and the remaining part is being used as residence.

4. Whatever it is, currency notes involved in the case are not material objects in the matter. In such case, when the currency notes have been seized and especially when it is shown that the 1st petitioner had raised that much amount by pledging her gold ornaments, as is evident from Annexure-A, it is only just and proper in the interest of justice to release the currency notes to the custody of the petitioners.

In the result, this Crl.M.C is allowed and Annexure-C order passed by the court below is set aside. The court below is directed to release the currency notes to the custody of the petitioners on their executing a bond for ₹ 1,36,000/- with two solvent sureties for the like sum each to the satisfaction of the court below.

Sd/-
B.KEMAL PASHA, JUDGE