

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Crl.MC.No. 5854 of 2014 ()

**MP.NO. 8333/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II, CHERTHALA
CRIME NO. 1261/2013 OF AROOR POLICE STATION , ALAPPUZHA DISTRICT**

PETITIONER/ACCUSED:

**MOHAMMED KUTTY,
ASARIPARAMBIL HOUSE, CHANDIROOR P.O.,
ALLEPPY DISTRICT, PIN-688 537.**

BY ADV. SRI.P.K.ABOOBACKER(EDAPPALLY)

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
AROOR POLICE STATION, ALLEPPY DISTRICT, PIN-688 534.**
- 3. SAJU C.E.,
S/O.EBRAHIM, CHIRIKANDEZHATH, AROOR VILLAGE,
CHANDIRROOR P.O., PIN-688 537.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

R3 BY SRI.K.RAMAKUMAR,SENIOR ADVOCATE

ADVS. SRI.S.M.PRASANTH

SRI.C.DINESH

SMT.ASHA BABU

SRI.G.RENJITH

SMT.AMMU CHARLES

SMT.JINNU SARA GEORGE

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 07-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A1:** THE CERTIFIED COPY OF THE FIR DT. 15-11-2013 IN CRIME NO.1261/2013 OF AROOR POLICE STATION.
- ANNEX A2:** TRUE COPY OF THE SALE DEED NO.2512/2003 DT. 5-8-2003 OF THE PANAVALLY SUB REGISTRY.
- ANNEX A3:** TRUE COPY OF THE COMPLAINT WITH M.P.NO.8333/2013 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT -II, CHERTHALA.
- ANNEX A4:** TRUE COPY OF THE COMPLAINT WITH CMP.NO. 1567/2014 FILED BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM.
- ANNEX A5:** TRUE COPY OF THE RECEIPT DT. 12-9-2014 ISSUED BY SYNDICATE BANK, SHANMUGHAM BRANCH, ERNAKULAM FOR RS.6,00,000/-
- ANNEX A6:** THE NOTICE DT. 13-8-2014 ISSUED BY THE SYNDICATE BANK, SHANMUGHAM BRANCH, ERNAKULAM UNDER SECTION 13(2) OF THE SARFEASI ACT.

RESPONDENT(S)' ANNEXURES:

- ANNEX R3(A):** TRUE COPY OF THE PHOTOCOPY OF THE TITLE DEED GIVEN TO THIS RESPONDENT BY THE PETITIONER.
- ANNEX R3(B):** TRUE COPY OF THE NOTARIZED COPY OF THE TITLE DEED.
- ANNEX R3(C):** TRUE COPY OF THE AFFIDAVIT GIVEN BY THE PETITIONER.

/TRUE COPY/

P.S.TO JUDGE

B.KEMAL PASHA, J.

.....
CRL.M.C. No. 5854 of 2014
.....

Dated this the 7th day of October, 2015

ORDER

The petitioner is the accused in Crime No.1261/13 of the Aroor Police Station registered for the offences punishable under Sections, 420 and 481 IPC.

2. The allegation against the petitioner is that he sold his property to the 3rd respondent herein, by suppressing the existing liability in respect of the property. The 3rd respondent alleged that the petitioner had deliberately made a false representation that the original title deed in respect of his property was kept in the bank locker and it was without showing the same, the sale deed was executed in favour of the 3rd respondent.

3. On going through the matter and on hearing

either side, this Court is of the view that presently there is nothing to interfere with the matter.

4. The learned Public Prosecutor has pointed out that the investigation in this case is over and final report was filed before the court below, which was returned to the investigating officer for curing some defects. It is further submitted that the defects are being cured and it will be re-presented, tomorrow. In case of any complaints on getting the final report, it is open to the petitioner to challenge the final report in the matter. With the said observation, this Crl.M.C. is disposed of.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge