

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.MC.No. 6686 of 2014 ()

CMP 8356/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, TIRUR
Bail Appl. 287/2014 of THIS HONOURABLE COURT

PETITIONER/ACCUSED NO.6 :

**THOTTIYIL HAMSA, AGED 42 YEARS,
S/O. MUHAMMED, THOTTIYIL HOUSE, PARAPPUR P.O.,
THIRUMAGADI, MALAPPURAM, PIN-676 503.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE S.I. POLICE,
(CRIME 57/13 OF CBCID MALAPPURAM)
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, ALONG WITH CRMC. 6805/2014, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNX.I: A CERTIFIED COPY OF THE FIR CRIME 546/08 OF KUTTIPPURAM
POLICE STATION**
- ANNX.II: A PHOTOCOPY OF THE ORDER IN B.A.287/14 PASSED BY THIS
HON'BLE COURT.**
- ANNX.III: A CERTIFIED COPY OF THE REMAND REPORT DATED 23-9-2014.**
- ANNX.IV: A PHOTOCOPY OF THE ORDER IN B.A.7780/13 DATED 2-12-2013
PASSED BY THIS HON'BLE COURT.**
- ANNX.V: COPY OF THE ORDER IN CMP.8356/14 PASSED BY THE JFCM COURT
TIRUR ON 16-10-2014**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

B.KEMAL PASHA, J.

.....
CRL.M.C. Nos. 6686 & 6805 of 2014
.....

Dated this the 29th day of September, 2015

ORDER

In the matter of Crl.M.C.No.6686/2014, through Annexure A3 report, the petitioner has been arraigned as the 6th accused in Crime No.57/CR/13 of the CBCID, Malappuram (Old Crime No.546/08 of Kuttippuram Police Station) for the offences punishable under Sections 406, 420 and 411 read with Section 34 IPC, Section 25(1-B) and Section 29 of the Arms Act and Section 45(3) read with Section 58(E) of RBI Act.

2. In the matter of Crl.M.C.No.6805/2014, through Annexure A4 report, the petitioner has been arraigned as the 2nd accused in Crime No.828/13 of the Kuttippuram

Police Station for the offences punishable under Sections 406 and 420 IPC,

3. On going through the allegations it seems that there was large scale cheating allegedly committed by the other accused. The allegation against the petitioner through Annexures-III and IV is that he has obtained a sizeable quantity of the amount from the other accused.

4. The learned counsel for the petitioner has pointed out that an offence under Section 411 IPC, with the aid of which the petitioner has been roped in at present, is not maintainable as there is no stolen property in the matter. It is true that any offence of theft has not been alleged. It is a question to be considered on merits as to whether the amounts allegedly obtained by the petitioner will assume the status of statutory stolen property or not. That question has to be decided at the appropriate stage. Now the investigation is going on. Let the investigation be complete. The present stage to interfere with the matter is too

premature. Without prejudice to the right of the petitioner to challenge the final report, if any, that may be filed against him on the completion of the investigation, these Crl.M.Cs are closed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge