

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Crl.Rev.Pet.No. 1789 of 2014 ()

Crl.A 524/2012 of ADDL. SESSIONS COURT - V, KOZHIKODE
CMP 4676/2010 of J.M.F.C.-V,KOZHIKODE

REVISION PETITIONER(S)/REVISION PETITIONER/APPELLANT/PETITIONER:

KERALA SOAPS AND INDUSTRIES FEDERATION,
REGISTER NO 146/87,NALLALAM, KOZHIKODE,REPRESENTD BY
ITS SECRETARY M.M PADMAVATHY,W/O.P.T RAJAN

BY ADV. SRI.B.JAYASURYA

RESPONDENTS/RESPONDENTS/RESPONDENTS/RESPONDENTS:

1. SHYAM KUMAR, AGED 52 YEARS
S/O.BALAKRISHNAN, PROJECT OFFICER
DISTRICT KHADI AND VILLAGE INDUSTRIES BOARD
CHEROOTTY ROAD, KOZHIKODE 673 502
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031

R1 BY ADV. SRI.TOM K.THOMAS, SC,
KERALA KHADI AND VILLAGE INDUSTRIES BOARD
R2 BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
12-11-2015, ALONG WITH CRRP. 1790/2014, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.1789 of 2014 and
Crl.R.P. No.1790 of 2014

Dated this the 12th day of November 2015

ORDER

These revision petitions have been filed challenging the common order passed by the court of the Judicial Magistrate of First Class- V, Kozhikode under Section 452 I.P.C. dismissing C.M.P. No.4676 of 2010 and allowing C.M.P.No.3999 of 2011 in crime No.224 of 2004 of Nallalam Police Station.

2. Heard both sides.

3. C.M.P. No.4676 of 2010 was filed by the *de-facto complainant* in the above crime, who is the Secretary of

Kerala Soaps and Industrial Federation. C.M.P.No.3999 of 2011 was filed by the accused in the above crime, who is the Managing Director of Kerala Soaps and Industrial Federation and also the Project Officer of Khadi and Village Industries Board.

4. On the basis of the complaint filed by the petitioner in C.M.P.No.4676 of 2010, the above crime was registered in Nallalam police station. During the course of investigation, certain documents were seized and produced before the court by the Police. After completing the investigation, a refer report was filed by the Investigating Officer before the Court. Thereafter, the above C.M.P.s were filed before the trial court, claiming the rights over the documents seized and produced by the Police before

the Court. The learned Magistrate, after hearing both sides dismissed C.M.P. No.4676 of 2010 and allowed C.M.P. No.3999 of 2011 with a condition that the petitioner in C.M.P. No.3999 of 2011 should produce documents proving his status as stated in the petition, before getting the documents released to him. The appeal filed against the said common order was dismissed.

5. It has been argued by the learned counsel for the revision petitioner that the documents seized by the Police in the above crime were the documents taken from the possession of the revision petitioners by the first respondent and hence, the courts below ought to have released the said documents to the revision petitioners.

6. It is not disputed that the documents were seized by

the Police from the possession of the petitioner in C.M.P. No.3999 of 2011, who was the accused in the crime. Admittedly, no trial was conducted in this case, as the police filed only refer charge after completing the investigation. In the said circumstances, the trial court and the appellate court ordered to release the documents seized by the Police to the person from whom the said documents were seized. Having gone through the relevant inputs, I do not find any reason to take a different view in this regard. If the revision petitioners are having any right over the said properties, they are having every right to approach the civil court to prove the same. Having gone through the relevant inputs, I do not find anything to hold that the common order dismissing C.M.P.No.4676 of 2010 and allowing

C.M.P.No.3999 of 2011 passed by the trial court, as confirmed by the appellate court, warrants any interference by this Court.

In the result, these revision petitions stand dismissed.

I make it clear that this order will not take away the right, if any, of the revision petitioners in seeking other remedies available to the revision petitioners under law.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

dl/13.11.2015

// True Copy //

PA to Judge