

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C) .No. 6686 of 2015 (I)

PETITIONER(S)/PETITIONER:

THE VALAPATANAM SERVICE CO-OPERATIVE BANK LTD. AGED 44 YEARS
NO LL 242, REP BY ITS SECRETARY, N P HAMSA
S/O.MOIDEEN, R/A.ALAVI, AZHIKODE
KANNUR , PIN-670009

BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SMT.M.M.DEEPA
SRI.AJEESH K.SASI
SRI.UNNI SEBASTIAN KAPPEN

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REP BY CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT
THIRUVANANTHAPURAM, PIN-695001

2. THE DISTRICT POLICE CHIEF
KANNUR DIST, PIN-670001

3. THE DEPUTY SUPEINTENDENT OF POLICE
KANNUR DIST, PIN-670001

4. THE CIRCLE INSPECTOR OF POLICE
VALAPATANAM POLICE STATION
VALAPATANAM-KANNUR-670010

5. SUB INSEPCTOR OF POLICE
VALAPATTANAM POLICE STATION, VALAPATANAM, -
KANNUR-670010

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 6686 of 2015 (I)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:-TRUE COPY OF THE COMPLAINT DTD 26/9/2013 FILED BY THE SECRETARY OF THE PETITIONER BANK BEFORE THE 4TH RESPONDENT

P2:-TRUE COPY OF THE FIR NO 1015 OF 2013 DTD 28/7/2013 REGISTERED BY THE 5TH RESPONDENT AGAINST K A MUHAMMED JASEEL

P3:-TRUE COPY OF THE NOTICE UNDER SECTION 91 OF THE CODE OF CRIMINAL PROCEDURE DTD 16/1/2015 ADDRESSED TO JOINT REGISTRAR (GENERAL)CO-OPERATIVE SOCIETIES

P4:-TRUE COPY OF THE SEARCH WARRANT DTD 24/1/2015, ISSUED BY THE JFCM COURT II,KANNUR

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

ASHOK BHUSHAN, Ag.CJ & A.M.SHAFFIQUE, J

W.P(C).No.6686 of 2015

Dated this the 10th March, 2015

JUDGMENT

Ashok Bhushan, Ag, CJ.

Heard learned counsel for the petitioner and the learned Government Pleader.

2. This Writ Petition is filed alleging police harassment seeking a direction to respondents 2 to 5 and the officials under each of them to stop the search and seizure conducted in a manner detrimental to the very existence of the petitioner bank and to conduct the search and seizure, if at all required, in the manner prescribed under the provisions of Code of Criminal Procedure. It is submitted that while conducting search, scene is created in the Bank which affects the day-to-day working of the Co-operative Bank.

3. The learned Government Pleader, after obtaining instruction, submitted that a search was conducted and large number of documents have been seized and the computers of the Bank have to be verified and checked. In that connection, time was taken in carrying out the operation. It is further submitted that large number of defaults in the bank account have been found and a crime has already been registered being Crime 1015/13, in which several accused, including the Secretary of the Bank were arrested, who have been granted bail. The learned Government Pleader also submitted that this Court in a Writ Petition is monitoring the investigation, in which various directions have been sought for. If advised, the petitioner may appear in the said Writ Petition.

4. In view of the fact that the investigation is being carried out in pursuance of the crime registered, we are of the view that this cannot be termed as a police harassment. If the petitioner has any grievance regarding the manner of search conducted by the search party and

the Police, it shall be open for the petitioner to take appropriate measures as permissible under law.

The Writ Petition is closed.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs10/3/15