IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 23RD DAY OF JULY 2024 / 1ST SRAVANA, 1946

WP(CRL.) NO. 408 OF 2023

PETITIONERS:

1 RAKESH.R
AGED 38 YEARS
RAMA NARAYANA PILLAI,
VIJAYA BHAVANAM,
ARINALLOR P.O KOLLAM,
PIN - 690538

2 KHALUDHEEN KUNJU
AGED 56 YEARS
MUHAMMED KUNJU,
S.S. VILLA VEETTIL,
PANMANA VILLAGE,
KUMALATHARA BHAGOM,
PANMANA P.OCHAVARA,
KOLLAM, PIN - 691583

3 JAYA PRABHAKARAN
AGED 47 YEARS
KARUNAKARAN PILLAI THATTARAZIKATH
(SAWBHAGYAM) CHERUSSARI BHAGAM,
CHAVARA P.O,KOLLAM, PIN - 691583

4 SURESH KUMAR. K.,
AGED 47 YEARS
SON OF KARUNAKARAN PILLAI,
THATTARAZIKATH (SAWBHAGYAM),
CHERUSSARI BHAGAM,
CHAVARA P.O.,
KOLLAM, PIN CODE 691 583.

5 DR.MUHAMMAD SUFIYAN,
AGED 38 YEARS
SON OF SHAJAHAN,
KOIPURATH, PADA- SOUTH,
KARUNAGAPALLY P.O., KOLLAM, PIN CODE:690 518.

6 PRADEEP Y.,
AGED 51 YEARS
SON OF A.K. YESODHARAN,
KRISHNA KRIPA,
PADA - SOUTH,
KARUNAGAPALLY. P.O.,
KOLLAM, PIN CODE:690 518.

7 KOSHY VAIDYAN,
AGED 76 YEARS
SON OF IDICHANDY VAIDYAN,

THAZAMANGALTHU VEEDU,
KIZHAKKEKARA,
THEVALAKKARA P.O.,
KOLLAM, PIN CODE:690 524.

8 RAVEENDRAN PILLAI,
AGED 64 YEARS
SON OF CHELLAPPAN PILLAI,
EARATH PUTHENVEETIL,
KIZHAKEAKARA,
THEVALKARA P.O.,
KOLLAM, PIN CODE:690 524.

9 ANCY MOL. G.,
AGED 38 YEARS
WIFE OF MONCY VARGHESE,
KALLORAYYATH,
PADINJATTEAKARA P.O.,
THEVALAKARA, KOLLAM, PIN CODE:690 524.

10 RAMSI MOL,
AGED 34 YEARS
WIFE OF ANZAR,
THUNDILKIZHAKETHIL,
MANAYIL P.O., CHAVARA,
KOLLAM, PIN CODE:691 583.

11 JUSTIN. S.,
AGED 39 YEARS
SON OF STEPHAN. S.,
WILSON COTTAGE,
MEKKADU,
PANMANA, CHAVARA P.O.,
KOLLAM, PIN CODE:691 583.

BY ADVS.
AJITH VISWANATHAN
SHIBU JOSEPH

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY ITS ADDITIONAL CHIEF
SECRETARY, DEPARTMENT OF HOME,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,
PIN CODE:695 001.,

2 COMPETENT AUTHORITY,
(UNDER SECTION 7 OF THE BANNING OF
UNREGULATED DEPOSIT SCHEME ACT 2019),
SECRETARY, HOME DEPARTMENT,

GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,
PIN CODE:695 001.

3 DISTRICT POLICE CHIEF (RURAL) ,
KOLLAM, OFFICE OF THE DISTRICT POLICE CHIEF,
KOTTARAKKARA P.O, KOLLAM,
PIN CODE:691 506.

4 THE STATION HOUSE OFFICER,
SASTHANCOTTAH POLICE STATION,
KOLLAM, PIN CODE:690 521.

5 M/S HOLY TRINITY TRUST,
REG. NO 215/2009,
THEVAKKARA P. O.,
KOLLAM DISTRICT,
REPRESENTED BY ITS CHAIRMAN JAYAKUMAR,
SON OF SUDHAKARAN,
MADATHIL CHITTOOR,
PANMANA P.O, CHAVARA,
KOLLAM DISTRICT, PIN CODE:691 583.

6 JAYAKUMAR,
SON OF SUDHAKARAN,
MADATHIL,CHITOOR,
PANMANA P.O, CHAVARA,
KOLLAM, PIN CODE:691 583.

7 JYOTHISH KUMAR,
AGED 56 YEARS
SON OF VIJAYAN PILLAI,
KANNOLII, CHERUSSERIBHAGOM,
CHAVARA, PANMANA P.O.,
KOLLAM, PIN CODE:691 583.

8 FRANCIS. D.,
AGED 57 YEARS
SON OF DOMANIC,
MANNATHU MEKKADU,
PANMANA P.O.,
CHAVARA,
KOLLAM,
PIN CODE:691 583.

9 JACOB. K.G,
AGED 53 YEARS
SON OF GEEVARGHESE,
KURUMPOLAZHIKTTU VEEDU,
KIZHAKKEKARA,
THEVALKARA P.O,
KOLLAM, PIN CODE:690 524.

10 SADASHIVAN PILLAI,

AGED 50 YEARS
SON OF BALAKRISHNA PILLAI,
VADAKKUMTHALA VEEDU,
KOVOOR, ARINALLOR P. O,
KOLLAM, PIN CODE:690 538.

11 AJI R.,
AGED 48 YEARS
SON OF RAJAPPAN PILLAI,
PERUMPUZHA VEEDU,
MADAPPALLY,
CHAVERA P.O,
KOLLAM, PIN CODE:691 585.

12 DON BOSCO VIRGE,
AGED 52 YEARS
SON OF VINCENT VIRGE,
PUTHIYAVEEDU, CHITOOR,
PANMANA P.O,
KOLLAM, PIN CODE:691 583.

13 PRAMOD R.,
AGED 51 YEARS
SON OF RADAKRISHNAN,
PONNATTU,
MEKKADU, PANMANA P.O.,
KOLLAM, PIN CODE:691 583.

14 HARIKUMAR. M,
AGED 49 YEARS
SON OF MADHAVAN NAIR,
KRISHNARAMAM,
MEKKADU, PANMANA P.O,
CHAVARA, KOLLAM,
PIN CODE:691 583.

15 ANAND,
AGED 44 YEARS
SON OF RADAKRISHNA PILLAI,
MANNASSERIL HOUSE,
KALARI PANMANA,
CHAVARA P.O,
KOLLAM, PIN CODE:691 585.

16 LEENA. L,
AGED 53 YEARS
WIFE OF PRAKASH.,
PRINCIPAL,
HOLY TRINITY ANGLO INDIAN SCHOOL,
KIZHAKKEKARA,
THEVALAKKARA P.O,
KOLLAM,
PIN CODE:690 524.

17 HARIS,
AGED 58 YEARS
SON OF IBRAHIM KUTTY,
KALKULANGARA,
PUTHENSANKETHAM,
MUKUNDAPURAM P.O,
KOLLAM, PIN CODE:691 585.

BY ADVS.
K.RAKESH
JACOB P. ALEX
JOSEPH P.ALEX(K/1-C/2002)
MANU SANKAR P.(K/000823/2018)
AMAL AMIR ALI(K/000773/2019)

OTHER PRESENT:

SMT.SREEJA.V. (PP)

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 23.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

W.P.(Crl) No. 408 of 2024

Dated this the 23rd day of July, 2024

JUDGMENT

Petitioners claim to have deposited amounts with the 5th respondent, who is now facing investigation for offence committed under the Banning of Unregulated Deposit Schemes Act, 2019 (BUDS Act).

2. Petitioners apprehended that their claims would not be considered by the Competent Authority and hence sought various directions to the Competent Authority to take action on Ext.P1 to Ext.P11 filed by them before the said authority. They have also sought appropriate reliefs for provisional attachment of the assets of those involved in the crime as provided in the BUDS Act.

3. The learned Public Prosecutor upon instructions submitted that petitioners' claims have already been considered by the Competent Authority and the properties of the accused in the case, have also been attached by the said authority. It was also submitted that O.P.No.81/2024 has

been filed before the Additional District Court-III, Kollam, which is the Designated Court under the BUDS Act, specifying the list of deposits and the amount of dues owed to the depositors from the deposit takers. It was further submitted that all the petitioners have been identified as persons to whom amounts are due from the deposit takers.

4. In view of the submission of the learned public Prosecutor which is recorded as above, it is evident that the petitioners grievance projected in this writ petition has been redressed since they have been shown as depositors and the dues owed to them have been specified in the list of dues owed by the deposit takers.

5. Hence, this writ petition is closed, reserving the right of the Competent Authority to pursue the proceedings in accordance with law.

Sd/-

BECHU KURIAN THOMAS
JUDGE

AJM

APPENDIX OF WP(CRL.) 408/2023

PETITIONER EXHIBITS

Exhibit P 1	**TRUE PHOTOSTAT COPY OF THE COMPLAINANT DATED NIL SUBMITTED BY THE FIRST PETITIONER BEFORE THE 2ND RESPONDENT**
Exhibit P 2	**TRUE PHOTOSTAT COPY OF COMPLAINT DATED 22-03-2023 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 2ND RESPONDENT**
Exhibit P 3	**TRUE PHOTOSTAT COPY OF COMPLAINT DATED 14-03-2023 SUBMITTED BY THE 3RD PETITIONER BEFORE THE 2ND RESPONDENT**
Exhibit P 4	**TRUE PHOTOSTAT COPY OF THE COMPLAINT DATED 10-03-2023 SUBMITTED BY THE 4TH PETITIONER TO THE 2ND RESPONDENT**
Exhibit P 5	**TRUE PHOTOSTAT COPY OF THE COMPLAINT DATED NIL FILED BY THE 5TH PETITIONER BEFORE THE 2ND RESPONDENT**
Exhibit P 6	**TRUE PHOTOSTAT COPY OF COMPLAINT DATED 18-02-2023 SUBMITTED BY THE 6TH PETITIONER BEFORE THE 2ND RESPONDENT**
Exhibit P 7	**TRUE PHOTOSTAT COPY OF THE COMPLAINT DATED 16-03-2023 FILED BY THE 7TH PETITIONER BEFORE THE 2ND RESPONDENT**
Exhibit P 8	**TRUE PHOTOSTAT COPY OF THE COMPLAINT DATED 16-02-2023 FILED BY THE 8TH PETITIONER AGAINST THE 5TH RESPONDENT AND ITS OFFICE BEARERS BEFORE THE 2ND RESPONDENT**
Exhibit P 9	**TRUE PHOTOSTAT COPY OF THE COMPLAINT DATED NIL FILED BY THE 9TH PETITIONER AGAINST THE 5TH RESPONDENT AND ITS OFFICE BEARERS BEFORE THE 2ND RESPONDENT**
Exhibit P 10	**TRUE PHOTOSTAT COPY OF THE COMPLAINANT DATED NIL SUBMITTED BY THE 10TH RESPONDENT BEFORE THE 2ND RESPONDENT**
Exhibit P 11	**TRUE PHOTOSTAT COPY OF COMPLAINT DATED 18-03-2023 FILED BY 11TH PETITIONER AND HIS SISTER IN LAW BEFORE THE 2ND RESPONDENT**

Exhibit P 12	TRUE PHOTOSTAT COPY OF THE JUDGMENT DATED 23-08-2022 IN W.P (CRL) NO.686 OF 2022
Exhibit P13	TRUE PHOTOSTAT COPY OF THE FIR IN CRIME NO 400 OF 2023 DATED 13-03-2023 BEFORE THE SASTHAMCOTTAH POLICE STATION
Exhibit P14	TRUE PHOTOSTAT COPY OF THE FIR IN CRIME NO 552 OF 2023 DATED 03-04-2023 BEFORE THE SASTHAMCOTTAH POLICE STATION
Exhibit P15	TRUE PHOTOSTAT COPY OF THE FIR IN CRIME NO 540 OF 2023 DATED 02-04-2023 BEFORE THE SASTHAMCOTTAH POLICE STATION
Exhibit P 16	TRUE PHOTOSTAT COPY OF THE FIR IN CRIME NO. 531 OF 2023 DATED 01-04-2023 BEFORE THE SASTHAMCOTTAH POLICE STATION
Exhibit P17	TRUE PHOTOSTAT COPY OF THE FIR IN CRIME NO 338 OF 2023 DATED 03-03-2023 BEFORE THE SASTHAMCOTTAH POLICE STATION
Exhibit P 18	TRUE PHOTOSTAT COPY OF THE FIR IN CRIME NO 370 OF 2023 DATED 09-03-2023 BEFORE THE SASTHAMCOTTAH POLICE STATION
Exhibit P 19	TRUE PHOTOSTAT COPY OF THE FIR IN CRIME NO 539 OF 2023 DATED 02-04-2023 BEFORE THE SASTHAMCOTTAH POLICE STATION
Exhibit P20	TRUE PHOTOSTAT COPY OF THE FIR IN CRIME NO 339 OF 2023 DATED 03-03-2023 BEFORE THE SASTHAMCOTTAH POLICE STATION
Exhibit P 21	TRUE PHOTOSTAT COPY OF THE FIR IN CRIME NO 410 OF 2023 DATED 14-03-2023 BEFORE THE SASTHAMCOTTAH POLICE STATION
Exhibit P 22	TRUE PHOTOSTAT COPY OF THE FIR IN CRIME NO 417 OF 2023 DATED 14-03-2023 BEFORE THE SASTHAMCOTTAH POLICE STATION
Exhibit P23	TRUE PHOTOSTAT COPY OF THE FIR IN CRIME NO 570 OF 2023 DATED 05-04-2023 BEFORE THE SASTHAMCOTTAH POLICE

STATION

RESPONDENT EXHIBITS

Exhibit R17(a)	True Copy of FIR dated 06.09.2023 in Crime No. 1411/2023 of Sasthancottah Police Station
Exhibit R17(b)	True Copy of the First Information Statement dated 06.09.2023 in Crime No. 1411/2023 of Sasthancottah Police Station
Exhibit R17(c)	True Copy of the FIR dated 21.08.2023 in Crime No. 1329/2023 of Sasthancottah Police Station
Exhibit R17(d)	True Copy of the First Information Statement dated 21.08.2023 in Crime No. 1329/2023 of Sasthancottah Police Station
Exhibit R17(e)	True Copy of the Possession Notice dated 21.10.2021 issued by the Federal Bank Ltd under the SARFESI Act
Exhibit R17(f)	True Copy of the representation dated 24.10.2021 issued by the 5th respondent Trust to the Authorised Officer, Federal Bank Ltd
Exhibit R17(g)	True Copy of the representation dated 09.11.2023 submitted by the petitioner along with his wife before the 2nd respondent Competent Authority
Annexure R2(a)	A copy of the O.P.No.81/2024 filed before the designated BUDS Court Kollam