



2024:KER:90294

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 29TH DAY OF NOVEMBER 2024 / 8TH AGRAHAYANA, 1946

CRL.MC NO. 6549 OF 2024

AGAINST THE ORDER/JUDGMENT DATED 02.03.2024 IN CC NO.225 OF
2023 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVARA

PETITIONER:

ANEESH CHANDRAN
AGED 39 YEARS
S/O. CHANDRAN PILLAI, PROPRIETOR MAHALEKSHMI FINANCERS,
CHAVARA RESIDING AT ANEESH MANDIRAM, THEKKUMBHAGOM,
CHAVARA, KOLLAM DISTRICT., PIN - 691590

BY ADVS.
RAJESH.R
N.RENJU

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
CHAVARA POLICE STATION, KOLLAM, PIN - 691583

BY ADV. SMT. SREEJA V (PP)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
29.11.2024, ALONG WITH CrI.MC.6551/2024, 6560/2024, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 29TH DAY OF NOVEMBER 2024 / 8TH AGRAHAYANA, 1946

CRL.MC NO. 6551 OF 2024

CRIME NO.100/2023 OF Chavara Police Station, Kollam

**AGAINST THE ORDER/JUDGMENT DATED 02.03.2024 IN CC NO.236 OF
2023 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVARA**

PETITIONER:

**SHEEBA
AGED 42 YEARS
D/O. VARGHEESE, PROPRIETOR, S.J FINANCE, AMC JUNCTION,
RESIDING AT BATHANI, PUTHENTHURA P.O., KARUGANAPALLY,
KOLLAM DISTRICT., PIN - 691582**

**BY ADVS.
RAJESH.R
N.RENJU**

RESPONDENT/STATE:

**STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
CHAVARA POLICE STATION, KOLLAM., PIN - 691583**

BY ADV. NOUSHAD K.A (PP)

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
29.11.2024, ALONG WITH CrL.MC.6549/2024 AND CONNECTED CASES, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 29TH DAY OF NOVEMBER 2024 / 8TH AGRAHAYANA, 1946

CRL.MC NO. 6560 OF 2024

CRIME NO.98/2023 OF Chavara Police Station, Kollam

**AGAINST THE ORDER/JUDGMENT DATED 02.03.2024 IN CC NO.200 OF
2023 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVARA**

PETITIONER:

**S. SREEKUMAR
AGED 45 YEARS
S/O. SOMASUNDARAM, PROPRIETOR ANJALI FINANCERS,
RESIDING AT KAILASAM VEEDU, DHALAVAPPURAM, PUTHENTHURA,
NEEDAKARA, CHAVARA, KOLLAM DISTRICT., PIN - 691582**

**BY ADVS.
RAJESH.R
N.RENJU**

RESPONDENT/STATE:

**STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE, CHAVARA POLICE
STATION, KOLLAM, PIN - 691583**

BY ADV. SMT. SREEJA V (PP)

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
29.11.2024, ALONG WITH CrL.MC.6549/2024 AND CONNECTED CASES, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**BECHU KURIAN THOMAS, J****.....
Crl.MC. Nos.6549, 6551 and 6560 of 2024
.....****Dated this the 29th day of November, 2024****ORDER**

Petitioners are the defacto complainants in C.C Nos.225/2023, 236/2023 and 200/2023 respectively, on the files of the Judicial First Class Magistrate Court, Chavara, arising out of Crime Nos.99/2023, 100/2023 and 98/2023, registered for the offences punishable under Sections 417 and 420 read with Section 34 of the Indian Penal Code, 1860.

2. The crimes were registered pursuant to separate complaints filed by the defacto complainants alleging that the accused had cheated them by pledging spurious gold ornaments and collecting loan amounts from them. After the investigation commenced on the basis of the three complainants, police seized an amount of Rs.1,82,000/- and produced it in Crime No.98/2023. Subsequently, the three defacto complainants filed separate applications in the above mentioned three cases seeking release of the cash to them. By the impugned orders, the learned Magistrate dismissed all three applications after observing that, though an amount of Rs.1,82,000/- is produced before the court in Crime No.98/2023, no amount has been produced in relation to other two crimes and the investigating officer had not stated the amount in deposit in each crime separately, and hence the court was not able to determine who is better entitled to the possession thereof.



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3. I have heard Sri. Rajesh R (Ramamoorthy), the learned counsel for the petitioners as well as Smt. Sreeja V. and Sri. Noushad K.A., the learned Public Prosecutors.

4. The learned Magistrate had dismissed the application for interim custody filed by the petitioners on the sole ground that the amount seized by the investigating officer has been deposited in one crime and the court was unable to decipher the separate claims. However, all what the court had to do was to have called for a report from the investigating officer to verify the quantum allegedly due to each of the defacto complainants. Having not done so, the impugned orders are liable to be set aside and a reconsideration be directed.

5. Accordingly, the impugned orders dated 02.03.2024 in C.M.P No.30/2024 in C.C. No.225/2023, C.M.P No.99/2024 in C.C. No.236/2023, C.M.P No.29/2024 in C.C. No.200/2023, on the files of the Judicial First Class Magistrate Court, Chavara, shall stand set aside. The learned Magistrate shall reconsider the petitions afresh, after calling for a report from the investigating officer. The same shall be done as expeditiously as possible, at any rate, within a period of one month from the date of receipt of the report from the investigating officer.

These Crl.MCs are allowed as above.

Sd/-

BECHU KURIAN THOMAS
JUDGE

AJ



APPENDIX OF CRL.MC 6549/2024

PETITIONER ANNEXURES

- Annexure A1 THE TRUE COPY OF THE FIR NO: 99 / 2023 DATED
18/01/2023 OF CHAVARA POLICE STATION**
- Annexure A2 THE TRUE COPY OF THE ORDER DATED 02.03.2024 IN CMP
NO. 30 / 24 IN CC 225/23 OF THE JUDICIAL FIRST
CLASS MAGISTRATE, CHAVARA**



APPENDIX OF CRL.MC 6551/2024

PETITIONER ANNEXURES

Annexure A1	THE TRUE COPY OF THE FIR NO:100/2023 DATED 18/01/2023 OF CHAVARA POLICE STATION
Annexure A2	THE TRUE COPY OF THE ORDER DATED 02.03.2024 IN CMP NO.99/24 IN CC 236/23 OF THE JUDICIAL FIRST CLASS MAGISTRATE, CHAVARA



APPENDIX OF CRL.MC 6560/2024

PETITIONER ANNEXURES

**Annexure A1 THE TRUE COPY OF THE FIR NO: 98 / 2023 DATED
18/01/2023 OF CHAVARA POLICE STATION**

**Annexure A2 THE TRUE COPY OF THE ORDER DATED 02.03.2024
IN CMP NO. 29 / 24 IN CC 200/23 OF THE
JUDICIAL FIRST CLASS MAGISTRATE, CHAVARA**