

THE SAME DAY PASSED THE FOLLOWING: Kss CrI.MC.No. 3088 of 2013

----- APPENDIX PETITIONER(S)' ANNEXURES:

----- ANNEXURE-I COPY OF THE INCOME TAX RETURN VERIFICATION FORM SUBMITTED BY THE PETITIONER.

ANNEXURE-II COPY OF THE BALANCE SHEET SUBMITTED BY THE

PETITIONER. ANNEXURE-III COPY OF THE ORDER DATED 04 07.2013 IN

CRL.M.P.6997/13 IN CRIME NO.778/2013 OF PATHANAPURAM POLICE

STATION PASSED BY THE JUDICIAL MAGISTRATE OF FIRST CLASS III,

PUNALUR. RESPONDENT(S)' ANNEXURES: -----

N I L /TRUE COPY/ P.A.TO JUDGE Kss V.K.MOHANAN, J.

----- CrI.M.C.No.3088 of 2013

----- Dated this the 25th day of July, 2013 ORDER

The petitioner herein is the sole accused in Crime No.778 of 2013 of Pathanapuram Police Station, which is a case registered alleging offences

punishable under Sections 3 & 4 r/w 17 of Money Lenders Amended Act, 1986

and under Sections 420 & 468 of IPC. He preferred a petition under Section 451 of

Cr.P.C. as CrI.M.P.No.6997 of 2013 before the Judicial First Class Magistrate

Court-III, Punalur with a prayer to release cash of `2,52,830/- which seized from

him as interim custody. But the learned Magistrate rejected his claim holding that

the petitioner did not adduce evidence with regard to the source of money and no

proper document was also produced. It is against the said order, the petitioner

preferred the M.C. under Section 482 of Cr.P.C. with a prayer to quash the said

order of the court below and for a further direction, directing the court below to

release the amount seized from the petitioner, to him by way of interim measure.

CrI.M.C.No.3088 of 2013 :-2-:

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the facts and circumstances involved in the case, according to me, towards the proper trial, the identity of the currency of `2,52,830/- which is the property involved in the above case, may not be necessary and therefore instead of keeping the same in the custody it can be ordered to be released to the petitioner on appropriate directions and conditions. In the result, this CrI.M.C. is

disposed of setting aside Annexure-III order and directing the court of Judicial First Class Magistrate-III, Punalur to release cash of `2,52,830/- to the petitioner as an interim measure, after preparing an inventory, if the same is not already furnished by the police, on executing a bond for `3,00,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Magistrate and on further condition the petitioner furnishing a valid bank guarantee, from a nationalised bank for an amount of `2,75,000/-, for a period of three years approximately and if CrI.M.C.No.3088 of 2013 :-3-: the trial is not completed in the meanwhile, the petitioner is bound and shall to renew the same. The petitioner is also directed to file an affidavit stating that he will not dispute the seizure of the above cash and the inventory in terms of this order, at the time of the trial and on further undertaking to produce the cash as and when required by the court below.
V.K.MOHANAN, JUDGE skj True copy P.A. to Judge

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