

Jishamol vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-13-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/1189/2024

Appellant : Jishamol

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS WEDNESDAY, THE 13TH DAY OF MARCH 2024 / 23RD PHALGUNA, 1945 CRIME NO.200/2023 OF ALAPPUZHA SOUTH POLICE STATION, ALAPPUZHA PETITIONER/ACCUSED NO.2: JISHAMOL, AGED 39 YEARS W/O.PRADEESH, J.M.MANZIL, AVALOOKUNNU.P.O, KOMALAPURAM VILLAGE, ALAPPUZHA, PIN - 688 521. BY ADVS. D.SAJEEV (KAMBISSARI) SHIBU BABU RESPONDENT/STATE & COMPLAINANT : 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,H IGH COURT OF KERALA, PIN - 682 031. 2 THE MANAGER FEDERAL BAN K, CONVENT SQUARE BRANCH, ALAPPUZHA (NAMED VINU.M.SAM,

S/O.A.J.SAMUEL, RESIDING AT MUTHIRAKKALAYIL HOUSE, NEAR MANNANTHALA MARKET, MANNANTHALA.P.O, ULLOOR VILLAGE, THIRUVANANTHAPURAM DISTRICT, PIN - 695 015. SRI. NOUSHAD K.A. (PP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13.03.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BECHU KURIAN THOMAS, J
..... CrI.M.C.No.1189 of 2024
..... Dated this the 13th day of March, 2024

ORDER

Petitioner is the accused in Crime No.200/2023 of Alappuzha South Police Station, registered for the offences punishable under Sections 489A and 489 E of the Indian Penal Code, 1860.

2. According to the prosecution, the de facto complainant, while

working as the Branch Head of the Federal Bank Convent Square Branch, Alappuzha, lodged a complaint on 23.02.2023 that he detected seven counterfeit currency notes of Rs.500/- denomination, and during the course of investigation, it was revealed that the petitioner is involved in the crime.

3. Sri.D.Sajeev, the learned counsel for the petitioner, submitted that

the admitted allegations in the FIR would not make out any offence against the petitioner and that she is an innocent person who has being wrongly and falsely been arrayed as an accused, without any material. The learned counsel further submitted that no recovery has been effected from the petitioner, nor has any statement been

made by any witness connecting the petitioner with the crime, and hence the FIR ought to be quashed.

4. Sri.Noushad K.A., the learned Public Prosecutor, on the other hand,

contended that the investigation conducted so far has revealed the involvement of the petitioner in the crime and that, being a case arising out of a counterfeit currency note, the matter requires serious investigation. It was also submitted that if at this stage this Court invokes jurisdiction under Section 482 of Cr.P.C. and interferes with the investigation, the same will send a wrong message to the public.

5. I have considered the rival contentions.

6. Petitioner is alleged to have committed the offence by supplying

seven counterfeited currency notes to one Kunjumon, who in turn used the same for the purchase of tarpaulin, and thereafter the money was finally deposited in the Bank. The investigation is only at the initial stages, and, as rightly submitted by the prosecutor, this Court interferes with the FIR, it will cause prejudice to the investigation. Counterfeit notes prejudice the economic stability of a country, and if proper investigation is not permitted to be carried

out to unearth the serious crime, society will be affected.

7. A perusal of the FIR indicates that the case was registered only on

25.02.2023 and the investigation is proceeding. In such circumstances, I am of the view that remedy under Section 482 of Cr.P.C. cannot be availed, by the petitioner at least at the stage of investigation. With the above observation, this Crl.M.C.is dismissed. sd/- BECHU KURIAN THOMAS JUDGE AMV/13/03/2024 APPENDIX OF CRL.MC 1189/2024 PETITIONER ANNEXURES ANNEXURE A1 CERTIFIED COPY OF THE FIR IN CRIME NO.200/2023 OF ALAPPUZHA SOUTH POLICE STATION, ALAPPUZHA DISTRICT, DATED 25.02.2023. ANNEXURE A2 TRUE COPY OF THE REMAND APPLICATION SUBMITTED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALAPPUZHA. TRUE COPY