

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

Friday, the 23rd day of September 2022 / 1st Aswina, 1944
CRL.M.APPL.NO.1/2022 IN CRL.MC NO. 6524 OF 2022

FIR NO.263/CB/CU-II/ERNAKULAM/D/2021 OF CRIME BRANCH CENTRAL UNIT-II, ERNAKULAM.

C.M.P.NO.972/2022 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM.

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PETITIONER/PETITIONER/ACCUSED

MONSON M.C. @ MONSON MAVUNGAL, AGED 52 YEARS, S/O.M.L.CHACKO,
MAVUNGAL HOUSE, VALLAYIL BHAGAM, CHERTHALA SOUTH VILLAGE, ALAPPUZHA
DISTRICT, PIN - 688524.

RESPONDENTS/RESPONDENTS/STATE & COMPLAINANT

1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031.
2. DETECTIVE INSPECTOR -II CBCU-II (CRIME BRANCH), ERNAKULAM, ERNAKULAM DISTRICT, PIN - 682011
3. SANTHOSH. S., S/O. RAVEENDRAN, RAROTH GOPURAM 124, PARAMBIL, S.N.D.P ROAD, ELAMAKKARA, KALOOR (NOW RESIDING AT T.C.54/1508, AGRA 23, KARAMANA, KALADY, NEDUNGAD JANATHA ROAD, THIRUVANANTHAPURAM, PIN - 695002

Application praying that in the circumstances stated therein the High Court be pleased to pass an order to stay further proceedings pursuant to Annexure -A1, order dated 01-09-2022 in CMP No.972 of 2022 in crime No.263/CB/CU-II/EKM/D/2021 of Crime Branch Central Unit -II, Ernakulam on the files Additional Chief Judicial Magistrate Court, Ernakulam.

This Application coming on for orders upon perusing the application and upon hearing the arguments of M/s.M.G.SREEJITH, LUKE J CHIRAYIL, P.JAYA & VIDYAJITH M., Advocates for the petitioner and the PUBLIC PROSECUTOR for the 1st respondent, the Court passed the following:

p.t.o

ZIYAD RAHMAN A.A., J.

Crl. M.C. No.6524 of 2022
&
Crl.M.A. No. 1 of 2022

Dated this the 23rd day of September, 2022

ORDER

Admit.

The learned Public Prosecutor takes notice for respondent Nos.1 and 2. Issue notice to respondent No.3.

Crl.M. Appln. No.1/2022

The challenge in this Crl.M.C. is against Annexure-A1 order passed by the Additional Chief Judicial Magistrate's Court, Ernakulam under Section 451 Cr.P.C. directing the release of numerous curios which were recovered from the petitioner as part of investigation of the crime. The specific case of the petitioner is that, even though he was a party to the aforesaid proceedings, no notice was served upon him and the order was passed without hearing him. Moreover, the application submitted by the petitioner seeking

release of the said articles is also pending consideration before the Chief Judicial Magistrate's Court. In such circumstances, there shall be an interim order staying the release of the articles in favour of the 2nd respondent herein, if the same is already not released. This order shall be in force for a period of one month.

ncd/23.09.2022



Sd/-
ZIYAD RAHMAN A.A.
JUDGE