
(2021) 03 KL CK 0316

In the High Court Of Kerala

Case No : Criminal Miscellaneous No. 27 Of 2020

Rema Devi @Rahmat Aslam

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 26-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Citation : (2021) 03 KL CK 0316

Hon'ble Judges : R. Narayana Pisharadi, J

Bench : Single Bench

Advocate : K. Nandini, K B Sony

Final Decision : Disposed Of

Judgement

1. This is an application filed under Section 482 Cr.P.C praying that the gold ornaments, which were allegedly seized by the investigating officer during the investigation of the case which was registered as V.C No.4/06/SCE under the provisions of the Prevention of Corruption Act, may be released to the petitioner.

2. The petitioner is the sister-in-law of the accused involved in the case. The gold ornaments were seen pledged and the receipts for such pledging were found available in the possession of the wife of the accused. The investigating officer seized them and issued direction to freeze the ornaments and not to release the same to any person.

3. Aggrieved by the above action, the petitioner had earlier filed CrI.M.C No.740/2007 before this Court for issuing a direction to release the pledged gold ornaments to her. As per Annexure-A1 order dated 05.06.2007, this Court found that the investigation of the case was in progress at that time and there was no such compelling necessity to direct immediate release of the gold ornaments to the petitioner. However, the petitioner was granted liberty to move the courts again for release of the articles after filing the final report in the case.

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

5. In the statement dated 05.02.2020 filed by the investigating officer before this Court, it is mentioned that final report in the case was filed in the Court of the Enquiry Commissioner and Special Judge, Thrissur on 30.10.2013 and the case is pending in that court.

6. On a query made to the learned counsel for the petitioner as to what prevented the petitioner from approaching the trial court for release of the pledged gold ornaments, learned counsel would submit that the petitioner was not aware of the fact that final report was filed by the investigating officer. However, learned counsel would submit that the petitioner is ready to move the trial court for getting interim custody of the gold ornaments.

7. In the aforesaid circumstances, I find that this petition can be closed by granting liberty to the petitioner to move the trial court seeking appropriate relief for getting custody of the gold ornaments.

8. Consequently, the petitioner is granted liberty to move the trial court seeking appropriate relief for getting custody of the gold ornaments. If any such application is filed, notwithstanding Annexure-A1 order, the trial court shall consider and dispose of such application on merits, after hearing all necessary parties.