

No: S.Bathery Cr. 491/11

Office of the Chief Judicial Magistrate,
Kalpetta, Dated: 01-10-2012

OFFICIAL MEMORANDUM

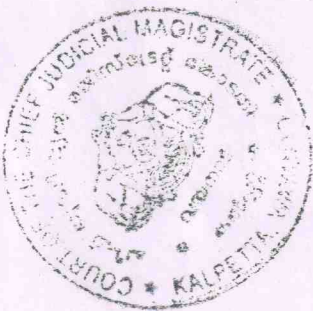
Sub:- Crl. Justice – Case No: S.Bathery Cr.491/11 (Cr.No:182/11 of
CBCID EOW.III, Calicut) on the file of this Court – Permission to
open the office of BIZARE GROUP – reg:

Ref:- Order in CMP-78/11, dated: 28-09-2012.

With reference to the above Detective Inspector, CBCID EOW-III,
Kozhikode is hereby directed to open the office functioning in door No:44/3188A9
Deshabhimani Road, Kaloor, Eranakulam in connection with CBCID Cr.182/11 and
to take inventory of the articles and kept therein and hand over the office and the
articles therein to the Petitioner in CMP.78/12, M/S BIZARE Business Corporation
represented by its Chairman and Managing Director, Sri. Abdul Arshad, Aged 35
years, S/O Said Muhammed, 44/3188A9, Deshabhimani Road, Kaloor, Eranakulam
under proper of acknowledgment. The inventory ^{the inventory} produce before this Court
immediately.

CHIEF JUDICIAL MAGISTRATE

Encl: Copy of order in CMP-78/12



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, KALPETTA, WAYANAD

Present: Sri. A Sankaran Nair, B.A,LLM

Chief Judicial Magistrate

Monday 24th day of September 2012

The 2nd day of Aswina, 1934

CMP 78/2012 IN S.BATTERY PS CRIME NO. 491/2011 & CBCID CRIME NO. 182/2011

Petitioner

: M/S Bizarre Business Corporation,
Represented by its Chairman and Managing
Director, Sri. Abdul Arshad, 35 years, S/o
Said Muhammed, 44/3188 A9, Deshabhimani
Road, Kaloor, Ernakulam 682 017
(By Adv.M.C.M. Jamal)

Respondent

: State represented by the Station House
Officer, S.Battery Crime No. 491/11 & DYSP,
CBCID Calicut Cr. 182/11.
(By M. Sreekumar, D.D.P)

Order

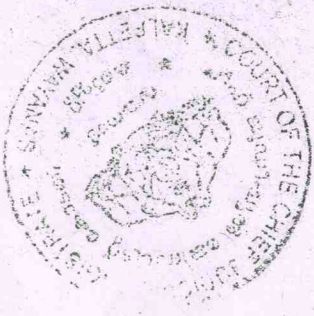
: Petition allowed.

ORDER

This is a petition filed u/s 457 of Cr.P.C to issue direction to the respondent to unlock the head office of the petitioner corporation and hand over the same to the petitioner.

2. The averments in the petition in brief are as follows:

The petitioner is a company registered under the Companies Act 1956, having its registered office at Deshabhimani Road, Ernakulam. The petitioner company is dealing with the sale of consumer goods. In all the 14 districts in the State of Kerala, shops have been started by the petitioner. A case has been registered against the petitioner and his office bearers that they have cheated the customers by not providing the share offered to them in the business. The case was registered u/s 420 of IPC and Sec. 3,4 and 5 of Prize Chits and Money Circulation Scheme (Banning) Act 1978. The petitioner has not committed the offence alleged. During the course of investigation the head of the company at Kochi was locked down by the respondent.



As the head office was locked down the petitioner is not in a position to continue its business. If the business of the petitioner is prevented which would cause undue hardship to the petitioner. So the prayer is to direct the respondent to unlock the lock and hand over the possession of the office to the petitioner.

3. Notice of the petitioner was given to the respondent. The respondent filed a report raising the following contentions. The head office of the petitioner corporation was locked by the DYSP Mananthavady who conducted initial investigation in the matter. Key was hand over to the respondent. If the head office is allowed to function the people who have deposited amount in the petitioner corporation may create problem. There is even chance for creating law and order problem in the locality. So the prayer is not to allow the petition directing the respondent to hand over the possession of the office room to the petitioner after unlocking the lock.

4. Now the point for consideration in this petition are as follows:

1. Whether the petitioner is entitled to get possession of the office room in which the said office is functioning ?

Point:-

5. Admittedly a case was registered against the petitioner and the office bearers of the petitioner Corporation by the respondent u/s 420 IPC and Sec. 3,4 and 5 of Prize Chits and Money Circulation Scheme (Banning) Act 1978. The investigation is in progress. It was during the course of investigation office room was closed down by the investigating officer. The fact that the petitioner is the owner of the office room bearing door No. 44/3188 A9 functioning

Deshabhimani Road, Kaloor, Ernakulam belonging to the petitioner is not in dispute. The allegation of the respondent is that if the office is allowed to be functioned it may create law and order problem in the locality. As the persons have deposited large amount of money in the corporation they may try to trespass into the office room and destroy the office and articles kept therein. I am of the view that likelihood of having law and order problem in the locality is not a ground to shutdown the office of the petitioner corporation. It is important to note that shutting down of the office of the corporation is not at all necessary for conducting investigation in the case. So I am of the view that the petition can be allowed and the respondent can be directed to hand over the possession of the office room to the petitioner.

6. In the result, the petition is allowed and the respondent is hereby directed to open the office functioning in door No. 44/3188 A9 Deshabhimani Road, Kaloor, Ernakulam and to take inventory of the articles kept therein and hand over the office and the articles therein to the petitioner. The petitioner company shall execute a bond for a sum of Rs. Two Lakhs with two sureties for the due production of the articles kept therein as and when called for by the court.

(Dictated to the C.A transcribed and typed by her corrected and pronounced by me in open court this the 24th day of September 2012)

sd/-

CHIEF JUDICIAL MAGISTRATE

//True copy//

CHIEF JUDICIAL MAGISTRATE

