

**IN THE COURT OF THE PRINCIPAL DISTRICT AND  
SESSIONS JUDGE AT MYSURU**

**Dated this the 21<sup>st</sup> day of August, 2019**

**PRESENT: Sri. S.K.Vantigodi, B.A., LL.B (Spl.),  
Prl.District & Sessions Judge,  
Mysuru.**

\*\*\*

**SESSIONS CASE NO.21/2019**

**Complainant: State by Mandi Police.**

**Vs.**

**Accused: Vedavathi**

**Applicant: Vedavathi W/o Chandrashekar  
Aged about 49 years, R/at  
#3448, Wesley Road,  
Thilaknagar, Mandi Mohalla,  
Mysuru.**

\*\*\*

**ORDER**

The applicant/accused has filed this application under Section 457 of Cr.P.C., for release of item No.1-G, H, I, 8-A, B, C, D and 10-A, B, C, D in her favour for interim custody.

2. It is contended in the application that, the above said properties have been seized by complainant/Police under P.F.No.59/2015 in connection with the offence punishable under Section 306 of I.P.C. and offences under Section 3 and 4 of Karnataka Prohibition of Charging Exorbitant Interest Act, 2014, on 12.06.2015. The complainant/Police have also seized vehicle in Crime No.95/2015. All the above said properties are in the custody

of complainant/Police. The said properties are required for the applicant/accused for her earnings and livelihood. If the said properties are allowed to be remained in the custody of Police, they will be put to damage and their value will be reduced. The applicant/accused is ready to abide by any conditions and to furnish surety, if the said properties are released in her favour. Hence, prayed to allow the application.

3. Per contra, the learned Public Prosecutor filed objections as under:

The application is not maintainable either in law or on facts. The complainant/Police have registered a case against the applicant/accused for offence punishable under Section 306 of I.P.C. and offences punishable under Section 3 and 4 of Karnataka Prohibition of Charging Exorbitant Interest Act and also for offences punishable under Section 3 and 39 of Karnataka Money Lenders Act. After investigation, the complainant/Police filed charge-sheet for the above said offences and during investigation, the properties seized have been subjected to P.F.No.59/2015. The said documents as per P.F.No.59/2015 pertain to the properties. Some of them are original documents i.e., Agreement, Bank Receipt, Declaration, Mutation entries, Patta Book, Aadhaar Card, PAN Cards, Cancellation Agreement, Property Extract issued by M.C.C., E.C., Sale Deed, Rectification Deed and Stamp Papers etc. If the said properties are released in favour of applicant/accused, there is every possibility that she may misuse the same and create documents so as to put forth a false claim against the victims. Those documents are required to be exhibited and marked during

the course of evidence and they are necessary and important piece of evidence. Hence, prayed to reject the application.

4. Heard arguments of both sides. Perused the records.
5. The only points that arise for my consideration are:

**1) Whether the application filed by applicant/accused under Section 457 of Cr.P.C., for release of properties at item No.1-G, H, I, 8-A, B, C, D and 10-A, B, C, D, in P.F. No.59/2015, is fit to be allowed ?**

**2) What order ?**

6. My finding on the above points are as follows:

Point No.1 :: In the **Negative**

Point No.2 :: As per final order, for the  
for the following:

### **REASONS**

7. **Point No.1:**

Perused the contents of application, objections and other materials placed on record.

8. It is relevant to note that, the documents sought to be released in favour of applicant/accused, are the documents which were seized from her custody during the course of investigation. It is the specific allegation against applicant/accused that, she used to charge exorbitant interest on the loan amount in violation of the statutory provisions and thereby abetted and instigated the deceased to commit suicide. It shows that the documents which are seized by the Police during the course of investigation are relevant documents to be relied upon by the prosecution to prove

its charges against the accused. Most of the documents sought to be released are the original documents pertaining to properties of different persons. Under these circumstances, if those original documents are released in favour of applicant/accused, there is every possibility that she may misuse the same and it is very difficult to get back those original documents for the purpose of marking during the course of evidence of prosecution witnesses.

9. Further, the documents seized by the Police during the course of investigation under P.F.No.59/2015, have direct connection with the allegations made against the applicant/accused. Therefore, those documents need to be preserved in tact and in the same condition, so as to get those documents exhibited during the course of evidence of prosecution witnesses. The applicant/accused has no right to seek the release of those documents in her favour at this stage. Since the documents sought to be released have got direct connection with the charges alleged against the applicant/accused, they required to be preserved in the same position. Further, the properties sought to be released are nothing but the documents and the stamp papers and other public documents, which are required to be preserved in the same manner and position. There is every likelihood of destroying the same and misusing the documents if they are released in favour of applicant/accused. Hence, the documents as per P.F.No.59/2015, cannot be released in favour of the applicant/accused for her interim custody. As such, the application is devoid of merits and deserves to be rejected. Accordingly, I answer point No.1 in the **Negative**.

10. **Point No.2:**

In the result, I proceed to pass the following:

**ORDER**

**Application filed under Section 457 of Cr.P.C. by the applicant/accused, is hereby rejected.**

( Dictated to the Judgment Writer, transcribed by her on Computer and after corrections, signed and pronounced by me in the open Court on this the **21<sup>st</sup> day of August, 2019** )

**( S.K.Vantigodi )**  
Prl. District & Sessions Judge,  
Mysuru.

