

IN THE COURT OF SESSIONS, THALASSERY

Present: Sri. K.T. Nisar Ahammed, Sessions Judge.

Wednesday, the 28th day of January, 2026/ 08th Magha, 1947.

CrI.M.P No. 1/2026 in SC No.139/2025

(Crime No.1034/2024 of Payyannur Police Station)

Petitioner/Accused:-

Rajesh.K, S/o.Damodaran, Peralam.PO,
Kozhummal, Via.Karivallur-670521.
UT. 41/25, Central Person, Kannur.
(Petition filed through the Superintendent,
Central Prison, Kannur).

Respondent/Complainant:-

State: The SHO, Payyannur Police Station.
Rep. by Public Prosecutor, Thalassery.

Petition filed by accused to release the cash and ATM, seized by the Police.

This petition coming on the 27th day of January, 2026 for hearing before me in the presence of Public Prosecutor for the State; and having stood over for consideration till this day, the Court passed the following:-

ORDER

Petition filed by the accused in the above SC who is in custody, for release of the cash and ATM, seized by the Police from his possession.

2. The case of the petitioner is that at the time of his arrest, the Police had seized cash Rs.20,000/- and two ATM Cards. His mother is very age old and depending on him. He was looking after the mother. Now, his mother is facing very difficulty to maintain herself. If the above cash seized and above ATM Cards are released to his mother, it will be very helpful for her to

maintain herself. Hence, he prays for release of the above cash and two ATM Cards to his mother.

3. The investigating officer filed a report that at the time of arrest, they have seized cash Rs.20,690/- and a mobile phone. The properties were already produced before court. The cash was withdrawn by the accused from the ATM of ICICI Bank at Perumba with the intention of leaving the place in order to escape from the clutches of law. So, in order to prove his intention to abscond, the above properties are very essential at the time of trial. So, the above cash cannot be released to the petitioner.

4. The learned Legal Aid Defense counsel has submitted that the mother of the accused is very old and she is depending on the accused. She is facing difficulty in maintaining herself. Hence, release of the above cash and ATM Cards is very essential. The above properties have nothing to do with the alleged crime. Hence, the learned counsel prays for allowing the petition.

5. The learned Public Prosecutor has opposed the petition on the ground that the above properties are very essential for the successful conduct of the trial. The above amount was withdrawn by the accused just after committing the crime, in order to leave the place and for absconding. So, to prove that aspect, the above properties including cash is very essential. Hence, the learned Public Prosecutor prays for dismissal of the petition.

6. Though the petitioner claims that the police had seized cash and two ATM Cards, but as per the report, the investigating officer has conceded only seizure of cash Rs.20,690/-. The objection on the part of the Public Prosecutor is that the above cash is required to prove the intention of the accused to abscond just after committing the crime. But here in this case, the cash produced before the Court/Magistrate Court

has already been deposited in CrCD Account. So, there is no question of identification of currencies. The descriptions of the currencies are already available in the property list. Moreover, in order to prove that the accused has withdrawn the amount in order to leave the place and absconding, for which, the above amount is not required. The prosecution can very well rely on the bank records. As submitted by the learned defense counsel, the above cash has nothing to do with the above crime. So, I am of the opinion that the above cash can be released, especially because the mother of the accused is very old and depending on him.

Hence, the petition is allowed. The above cash Rs.20,690/- seized in this case will be released to the mother of the accused on proper identification of the party.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court, this the 28th day of January, 2026).

Sd/-

SESSIONS JUDGE

Copy to:-

1. The SHO, Payyannur Police Station.
2. The Petitioner. (Through the Superintendent, Central Prison, Kannur.

Typed by : Manjush.C
Compared by : Prajith.U.M