



2025:KER:13815

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 17TH DAY OF FEBRUARY 2025 / 28TH MAGHA, 1946

CRL.MC NO. 3331 OF 2024

CRIME NO.88/2022 OF Kollam East Police Station, Kollam

PETITIONER/DEFACTO COMPLAINANT:

JALALUDHEEN,
AGED 66 YEARS
S/O. ABDUL KHADER KUNJU, KC,29/744, PUTHEN BUNGLOW,
VALATHUNGAL PO, ERAVIPURAM, KOLLAM, PIN - 691011

BY ADVS.
BIJU .C. ABRAHAM
THOMAS C.ABRAHAM
BASIL MATHEW

RESPONDENTS/STATE, ACCUSED NOS.1 TO 5 AND ADDITIONAL PARTY:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA,ERNAKULAM, PIN - 682031
- 2 NAWAZ,
S/O. ALIYARUKUNJU, PUTHEN BUNGLOW, MUNDACKAL, WEST,
KOLLAM, PIN - 691001
- 3 SHAMNAD ALI,
S/O. ALIYARUKUNJU, PUTHEN BUNGLOW,MUNDACKAL WEST,
KOLLAM, PIN - 691001
- 4 SHAHEENA BEEGUM,
W/O. NAWAZ, PUTHEN BUNGLOW,MUNDACKAL WEST, KOLLAM, PIN
- 691001



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- 5 FATHIMA,
W/O. SHAMNAD ALI, PUTHEN BUNGLOW, MUNDACKAL WEST,
KOLLAM, PIN - 691001
- 6 MR. JAGADHEESH KUMAR,
S/O. SUNDARAN PILLAI (RETD) UCO BANK AGM, NO. 7, CGS
NAGAR, PAPANGODE PO, THIRUVANANTHAPURAM, PIN - 695018
- 7 UCO BANK,
REPRESENTED BY ITS BRANCH MANAGER, KHAISE BUILDING,
BEACH ROAD, KOLLAM, PIN - 691001

BY ADVS.
H. RAMANAN
DEEPAK JOY.K.

SRI. M.C. ASHI, PP.
SRI. DEEPAK JOY SC, FOR UCO BANK.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
17.02.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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ORDER

Dated this the 17th day of February, 2025

Petitioner is the defacto complainant in Crime No.88 of 2022 of Kollam East Police Station, wherein respondent Nos.2 to 6 figure as accused Nos.1 to 5. The offences alleged against the accused are punishable under Sections 420 and 468 r/w Section 34 of IPC. In the crime, the Investigating Officer has filed a report before the jurisdictional court, stating that, since crucial documents are produced in the Securitization Application filed by the complainant before the Debt Recovery Tribunal, the investigation cannot be proceeded with. The 7th respondent Bank



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has now filed a memo stating that the original documents are still with the Bank. If so, Investigating Officer can require the Bank to produce those documents.

The Crl.M.C is hence disposed of by directing the Investigating Officer in Crime No.88 of 2022 of Kollam East Police Station to secure requisite documents from the Bank and proceed with the investigation on receipt of a copy of this order. As the investigation is directed to be continued, Annexure A13 UN report has lost its relevance.

**Sd/-
V.G.ARUN
JUDGE**

SSK/17/02



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APPENDIX OF CRL.MC 3331/2024

PETITIONER ANNEXURES

Annexure A1	TRUE COPY OF THE NOTICE DATED 14/8/2018 ISSUED BY THE 7TH RESPONDENT TO THE PETITIONER
Annexure A2	TRUE COPY OF THE NOTICE DATED 19/12/2018 ISSUED BY THE UCO BANK UNDER RULE 8 (1) OF SARFAESI ACT
Annexure A3	TRUE COPY OF THE REPLY DATED 28/12/2018 IN REPLY OF THE LETTER DATED 25/12/2018 OF THE PETITIONER
Annexure A4	TRUE COPY OF THE APPLICATION DATED 4/1/2019 THUS SUBMITTED BY THE PETITIONER UNDER RIGHT TO INFORMATION ACT, 2005 BEFORE UCO BANK, KOLLAM
Annexure A5	TRUE COPY OF THE LOAN DOCUMENTS ISSUED BY THE BANK TO THE PETITIONER ALONG WITH COVERING LETTER DATED 30/1/2019
Annexure A6	TRUE COPY OF THE LETTER DATED 14/2/2019 SUBMITTED BY THE PETITIONER BEFORE THE MANAGER, UCO BANK
Annexure A7	TRUE COPY OF THE REPLY LETTER DATED 15/3/2019 ISSUED BY THE BANK TO THE PETITIONER
Annexure A8	TRUE COPY OF THE LETTER DATED 30/4/2019 SUBMITTED BY THE PETITIONER BEFORE THE BANK
Annexure A9	TRUE COPY LETTER DATED 7/8/2019 ISSUED BY THE BANK TO THE PETITIONER



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Annexure A10	TRUE COPY OF THE REPLY DATED 11/8/2019 SUBMITTED BY THE PETITIONER TO THE BANK
Annexure A11	TRUE COPY OF THE CIRCULAR DATED 13/12/2016 ISSUED BY THE RESERVE BANK OF INDIA TO ALL THE BANKS
Annexure A12	TRUE COPY OF THE FIR IN CRIME NO. 88/2022 OF KOLLAM EAST POLICE STATION
Annexure A13	TRUE COPY OF THE UN REPORT NO. 15/2022 SUBMITTED BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM

RESPONDENTS EXHIBITS : NIL

**TRUE COPY
P.A. TO JUDGE**