

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2550/2012

(From the judgement and order dated 02/02/2012 in BA No.9679/2011 of the HIGH COURT OF KERALA AT ERNAKULAM)

CHACKO P.M.

Petitioner(s)

VERSUS

S.I.OF POLICE & ANR.

Respondent(s)

(With appln(s) for stay of arrest and office report)

Date: 11/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Raghenth Basant,Adv.
Mr. Arjun Singh Bhati,Adv.
Mr. Hardesh Singh,Adv.
Mr. Senthil Jagadeesan,Adv.

For Respondent(s) Mr. Sanjay Parikh,Adv.
Ms. Bushra Parveen,Adv.
Ms. Mamta Saxena,Adv.
Mr. A.N. Singh,Adv.
For Ms. Anitha Shenoy,Adv.

Mr. Jogy Scaria,Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard Mr. Raghenth Basant, learned counsel in support of this special leave petition, Mr. Jogy Scaria, learned counsel for the State of Kerala and Mr. Sanjay Parikh, learned counsel appearing for respondent No.2.

2. The petitioner had applied for interim bail which was declined by the High Court by the impugned order dated 2.2.2012 passed in B.A. No.9679 of 2011. Being aggrieved by that order the petitioner has preferred the present special leave petition. This Court while issuing notice, has protected the petitioner by order dated 3.4.2012 directing that the petitioner shall not be arrested in connection with Crime No.393 of 2011, registered by the Balussery Police Station, District Kozhikode, Kerala.

3. Mr. Raghenth Basant, learned counsel appearing for the petitioner has pointed out that respondent No.2 has a grouse against the petitioner and the petitioner is unnecessarily being prosecuted, amongst other charges, for the charge under Section 420 of the Indian Penal Code. Mr. Sanjay Parikh, learned counsel appearing for respondent No.2 on the other hand, pointed out that there are a number

of transactions in which the petitioner is involved and he has been accused of cheating public by advancing loans at exorbitant rate of interest violating the provisions of the Money Lenders Act, 1958 (Kerala) and also by getting sale deeds on a promise to reconvey the property on discharging the loan facility. Such documents had been annexed to the complaint made by the respondent No.2.

4. Be that as it may, in our view, it will be better that the Trial Court goes into this aspect rather than this Court. Even so, having noted that the petitioner has been protected by this Court, we direct that the protection granted to the petitioner would continue for a period of four weeks hereafter within which the petitioner may apply for regular bail and the concerned Court will decide the same on its own merits after hearing all the parties. This special leave petition is disposed of accordingly.

(A.S. BISHT)
COURT MASTER

(USHA SHARMA)
COURT MASTER