

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Crl.MC.No. 632 of 2015 ()

**Crl.MP 5584/2014 of SESSIONS COURT, THALASSERY
CRIME NO. 429/2013 OF IRIKKUR POLICE STATION , KANNUR DISTRICT
=====**

PETITIONER/PETITIONER IN Crl.MP.5584/14 (REGISTERED OWNER OF THE VEHICLE):

**SHAMSUDHEEN, AGED 27 YEARS
S/O.MOIDEENKUTTY, RAVARIPATH HOUSE, AYIPUZHA
IRIKKUR, P.O. 670 595, THALASSERY TALUK
KANNUR DISTRICT.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. 682 031.**
- 2. THE STATION HOUSE OFFICER
IRIKKUR POLICE STATION, KANNUR
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. 682 031.**

BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 632 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1- THE TRUE COPY OF THE ORDER IN CRL.M.P.NO.5584/2014 ON THE
FILE OF COURT OF SESSIONS, THALASSERY.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.632 of 2015

Dated this the 5th day of February, 2015

O R D E R

The petitioner herein is aggrieved by a condition imposed by the Court of Session, Thalassery for releasing his vehicle under Section 451 Cr.P.C. The petitioner is the registered owner of a motor cycle seized by the police in a crime involving the offences punishable under the Protection of Children from Sexual Offences Act, 2012. Petitioner is not the accused in the crime. The police seized the vehicle on the ground that the accused travelled on the said motor cycle to the place of incident, or from the place of incident. Admittedly, the vehicle was not used for the commission of offence. The police will have to explain why the vehicle was seized in such a circumstance. Any way, for releasing the vehicle under Section 451 Cr.P.C., the learned Sessions Judge directed the petitioner to deposit an amount of Rs.25,000/-, besides executing a bond for Rs.35,000/-. The said condition is under challenge. On hearing both sides, I find that the objectionable condition will have to be set aside. If at all the

motor cycle will be required for any purpose during trial, the other conditions imposed by the court below will suffice to ensure production. It is not known why the petitioner was directed to make cash deposit.

In the result, this petition is allowed. The first condition imposed by the court below as per order dated 12.11.2014 in Crl.MP No.5584/2014 directing the petitioner to make cash deposit as security, will stand set aside.

Sd/-

P. UBAID, JUDGE

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