

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Crl.MC.No. 642 of 2015 ()

AGAINST THE ORDER IN CMP 4762/2014 of J.M.F.C.,PEERUMEDU DATED 24-12-2014

PETITIONER:

KRISHNAKUMAR
S/O.PERIYASWAMY, MANJUMALA ESTATE LINE, MANJUMALA KARA
MANJUMALA VILLAGE, IDUKKI DISTRICT.

BY ADV. SRI.P.A.MUJEEB

RESPONDENT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
11-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 642 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A1- CERTIFIED COPY OF ORDER DATED 24.12.2014 IN CMP
NO.4762/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT I,
PEERMADE.

RESPONDENT'S EXHIBITS

NIL

/TRUE COPY/

P.A. TO JUDGE

SJ

P. UBAID, J.

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Crl.M.C. No.642 of 2015

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Dated this the 11th day of February, 2015

ORDER

The petitioner herein is the registered owner of the vehicle No.KL-37B-7783 involved in a crime registered under the Kerala Forest Act. His application for interim custody of the vehicle under Section 451 Cr.P.C was allowed by the learned Judicial First Class Magistrate, Peermade on certain conditions. The objectionable condition is that the petitioner will have to furnish bank guarantee for ₹1,15,000/-(Rupees one lakh fifteen thousand only). The application filed by the petitioner as C.M.P.No.4762 of 2014 was not seriously opposed by the State in view of the fact that the alleged offence was committed in a patta land. It is not known why the learned Magistrate has imposed stringent and onerous conditions. It is submitted that the exact value of the vehicle is much less than ₹1,15,000/-. Confiscation of the vehicle also may not be possible finally. In such a situation, it will suffice that the petitioner is directed to execute a bond. The further direction to furnish bank guarantee will have to be set

aside in the interest of justice. Accordingly this petition is allowed. The objectionable condition imposed by the court below, as per order dated 24.12.2014, directing the petitioner to furnish bank guarantee, will stand set aside.

The Crl.M.C is accordingly allowed.

P. UBAID, JUDGE

sj