

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Crl.MC.No. 705 of 2015

**C.M.P.NO.14211/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
IRINJALAKUDA**

PETITIONER(S)/PETITIONER :

**MANOJ K.A, AGED 43 YEARS,
S/O.AYYAPPANKUTTY, KODAPARAMBIL HOUSE, NELLAYI,
ANANDAPURAM, THRISSUR DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

Crl.MC.No. 705 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: CERTIFIED COPY OF THE ORDER DATED 20.01.2015 IN
CRL.MP NO.14211/2014 PASSED BY THE JUDL. FIRST CLASS
MAGISTRATE COURT, IRINJALAKKUDA.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P. UBAID, J.

Crl.M.C.No.705 of 2015

Dated this the 9th day of March, 2015

O R D E R

An order dismissing an application for interim custody of a vehicle involved in an offence registered under Section 55(b) and (i) of the Kerala Abkari Act, is under challenge. Of course, it is true that such custody can be granted subject to the confiscation proceedings possible under the Kerala Abkari Act. Any way, this Court called for a report regarding the confiscation proceeding initiated by the authorised officer. Now, it is submitted and reported that the authorised officer has already passed orders confiscating the vehicle in question. In such a situation, the remedy available to the petitioner is to file appeal before the proper authority against the confiscation order. This Crl.M.C. brought under Section 482 Cr.P.C., challenging the order under Section 451 Cr.P.C. need not proceed.

Without prejudice to the petitioner's right to file statutory appeal against the confiscation order, this proceeding can be closed.

Accordingly, this Crl.M.C. is closed.

Sd/-
P. UBAID, JUDGE

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