

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Crl.MC.No. 714 of 2015 ()

IN CRRP 11/2014 of D.C.& SESSIONS COURT,PATHANAMTHITTA

**IN CRMP 6470/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT -II,
PATHANAMTHITTA**

PETITIONER(S):

**SHOBHA P.S.
W/O.RAJU, T.K.THATTARUDAYYATHU HOUSE, KRISHNAPURAM P.O.
KRISHNAPURAM VILLAGE.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SRI.S.K.SUJITH KRISHNA
SRI.S.VISHNU (ARIKKATTIL)
SRI.OMAR SALIM**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
 - 2. THE FOREST RANGE OFFICER
SOUTH KUMARAMPEROOR FOREST STATION, KONNI.**
- R BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 714 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1.THE TRUE COPY OF THE ORDER DATED 23/8/2014 IN CMP NO.6470/2014 IN OR NO.2/2014 OF SOUTH MUMARAMPEROOR FOREST STATION PASSED BY THE JFMC-III, PATHANAMTHITTA.

ANNEXURE-A2. THE CERTIFIED COPY OF THE ORDER DATED 13/11/2014 IN CRL.RP NO.11/2014 IN THE COURT OF SESSIONS JUDGE, PATHANAMTHITTA.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 714 of 2015

Dated this the 13th day of February, 2015.

O R D E R

The petitioner herein is the mother of the registered owner of a vehicle involved in a forest offence registered under the Wild Life (Protection) Act. She made an application for interim custody of the vehicle under Section 451 Cr.P.C before the learned Magistrate having jurisdiction. The learned Magistrate disallowed the request on the ground that the petitioner does not have any authorization or power of attorney in her name from her son, and that the petitioner, who has no connection with the vehicle except as mother of the registered owner, cannot claim custody under Section 451 Cr.P.C. The said order was confirmed in revision by the learned Sessions Judge, Pathanamthitta in Crl.R.P No. 11/2014. The petitioner challenges both the orders. On hearing both sides, I find no reason to interfere in the orders passed by the courts' below. A property can be released under Section 451 Cr.P.C by the court only to the right person who can claim custody. Just because the petitioner is the mother of the registered owner, she cannot claim the vehicle. Of course, she can very well obtain some authorization or power of attorney from her son, and make application afresh for custody. If

such an application is made, it will definitely be considered by the learned Magistrate, and if the vehicle can be released on appropriate conditions in the particular facts and circumstances, it will be ordered by the learned Magistrate.

With these observation this Crl.M.C is closed.

P.UBAID,
JUDGE

sab