

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Crl.MC.No.938 of 2015 ()

**AGAINST THE ORDER IN CMP 98/2015 of SESSIONS COURT,PATHANAMTHITTA
DATED 24-01-2015**

CRIME NO. 6/2015 OF PATHANAMTHITTA POLICE STATION , PATHANAMTITTA

PETITIONER(S)/ACCUSED :

**SUSEELA, AGED 50 YEARS
W/O.SREEDHARAN, MEMURIYIL HOUSE,
EDANADU MURI, MALAYALAPPUZHA VILLAGE.**

BY ADV. SRI.M.T.SURESH KUMAR

RESPONDENTS/COUNTER PETITIONER/STATE :

**STATE OF KERALA
REPRESENTED BY THE 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 02-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

Crl.MC.No.938 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE-A1:** TRUE COPY OF THE CERTIFICATE OF REGISTRATIOIN OF THE VEHICLE BEARING REGISTRATION NO.KL 03 V II 09
- ANNEXURE-A2:** TRUE COPY OF THE TAX RECEIPT OF THE VEHICLE BEARING REGISTRATION NO.KL 03 V II09 DATED 9.1.2012
- ANNEXURE-A3:** TRUE COPY OF THE INSURANCE CERTIFICATE OF THE VEHICLE BEARING REGISTRATION NO.KL 03 V II09 DATED 24.6.2014
- ANNEXURE-A4:** TRUE COPY OF THE AUTHORIZATION DATED 28.5.2014 ISSUED BY THE REGISTERED OWNER.
- ANNEXURE-A5:** TRUE COPY OF THE ORDER DATED 24.1.2015 CRL.MP NO.98 OF 2015 ON THE FILE OF THE PRL.DISTRICT AND SESSIONS JUDGE, PATHANAMTHITTA.

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

P.UBAID, J

Crl.M.C.No.938 of 2015

Dated this the 2nd day of March, 2015

ORDER

The petitioner herein is the mother of the registered owner of a vehicle involved in Crime.No.6/2015 of Pathanamthitta Police Station. The registered owner is employed abroad. The petitioner made an application before the Court of Sessions, Pathanamthitta, for interim custody of the vehicle under Section 451 of the Cr.P.C., as Crl.M.P.No.98 of 2015. The learned Sessions Judge dismissed the application on the ground that the petitioner has no right or authority to claim interim custody of the vehicle. This order dated 24.1.2015 is under challenge, and it is sought to be set aside. The petitioner produced the original registration certificate in her possession, before this court. It was perused and returned. She also produced the other vehicle documents, like the insurance certificate, tax receipt, pollution certificate etc., all in original.

She has already produced an authorisation from

her son, along with the application for interim custody. The request made by the mother of the registered owner is not seriously opposed by the other side. I am well satisfied that the petitioner herein is the person having custody of the vehicle, though not the registered owner. She made application under Section 451 of Cr.P.C. only because her son is employed abroad. She has all the original documents of the vehicle in her possession. No further probe is required to find that the petitioner was infact the actual custodian of the vehicle at the time of the incident, and she has also the right to possess it, subject to final orders of the court. Hence I find that the vehicle can be released to her on appropriate conditions, by the learned Sessions Judge.

In the results the petition is allowed, the impugned order is is set aside, and the court below is directed to release the vehicle to the petitioner on appropriate reasonable conditions.

Sd/-
P.UBAID
JUDGE

VS