

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No. 1236 of 2015

**C.M.P.NO.7860/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KAYAMKULAM**

CRIME NO. 1085/2014 OF VALLIKUNNAM POLICE STATION, ALAPPUZHA

PETITIONER(S)/CLAIMANT :

**ABDUL KALAM,
S/O.ELIYASKUNJU, JANATH VEEDU, KANNAMPALLY BHAGOM MURI,
KEERIKADU VILLAGE, KARTHIKAPPALLY TALUK.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/COMPLAINANT/STATE :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
(CRIME NO. 1085/2014 OF VALLIKUNNAM POLICE STATION,
ALAPPUZHA DISTRICT).**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE I: CERTIFIED COPY OF THE ORDER DATED 26/11/2014
PASSED BY THE JUDICIAL MAGISTRATE OF FIRST CLASS,
KAYAMKULAM IN CMP NO. 7860/2014.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 1236 of 2015

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Dated this the 22nd day of June, 2015

O R D E R

The matter in challenge is condition in Anx.1 order imposed by the Judicial First Class Magistrate's Court, Kayamkulam, to grant interim custody of the vehicle seized in connection with the crime in question, by directing that the R.C. owner should furnish cash security for Rs.3.40,000/–, apart from various other conditions imposed thereon. The car (Reg.No.KL-29/E-723 – 2012 Maruthi Suzuki Ritz Motor car) was seized in connection with Crime No.1085/2014 of Vallikunnam Police Station, Kayamkulam, for alleged offence under Sec.20(ii) A of the NDPS Act. Apart from the impugned condition, other conditions are that the petitioner shall execute a bond for Rs.4 lakhs with two solvent sureties for the same amount and that he shall not alienate the vehicle, and various other conditions such as, not to make any material alteration without the permission of the court and shall not use the vehicle for committing any offence and that the petitioner shall produce the same as and

when required by the court below, etc.

2. The petitioner herein, who is the RC owner of the vehicle in question, happens to be the father of the 2nd accused. It is clearly stated in the statement dated 6.3.2015 filed by the investigating officer (Sub Inspector of Police, Vallikunnam Police Station) that on search of the vehicle it was found that one of the accused, Unni, accused No.1, possessed 202 grams ganja for sale. On this basis, Sri.K.K.Dheerendra Krishnan, learned counsel for the petitioner urges that though all the other accused were found travelling in the car when the seizure of the ganja of 202 grams ganja was effected from the person of accused No.1, the actual recovery of the ganja was only from the body of accused No.1 and that the said contraband was not found recovered from the vehicle in question. On a perusal of the impugned order, it can be seen that sufficient conditions are already made and in view of the aforementioned aspects, the impugned condition could be modified. Accordingly, it is ordered that the condition in the impugned order to the effect that the petitioner shall furnish cash security for the entire value of Rs.3.4 lakhs, will be modified by substituting the same with the direction that the petitioner shall produce cash security for an

amount of Rs.1 lakh by producing necessary fixed deposits or bank guarantee before the court below concerned. All the other conditions in the impugned order will remain unaltered.

With these observations and directions, the Cr1.M.C. stands finally disposed of.

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge