

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

Crl.MC.No. 1349 of 2015 ()

PETITIONER(S)/ACCUSED:

**BASHEER AGED 35 YEARS
S/O.HYDRU, THRIKKULAM, EDAKKARA
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**
- 2. THE REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA, MALAPPURAM DISTRICT, PIN: 679 322.**
- 3. THE SUB INSPECTOR OF POLICE,
POTHUKKAL POLICE STATION, MALAPPURAM DISTRICT
PIN: 679 334.**

R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE.P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1349 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: TRUE COPY OF THE JUDGMENT DATED 23/6/2014 IN WPC
NO.15787/2014 OF THIS HON'BLE COURT**

**ANNEXURE B: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT DATED 28/6/2014**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1349 of 2015

Dated this the 17th day of March, 2015.

O R D E R

The petitioner claims to be the registered owner of the vehicle No. KL-10Y/2663 involved in Crime No.235 of 2014 of the Pothukal Police Station. His grievance is that the police has not so far reported the fact of seizure of the said vehicle to the Judicial Magistrate having jurisdiction. He now seeks orders from this court directing the police to report the fact of seizure to the learned Magistrate, and another direction to the learned Magistrate to release his vehicle on appropriate conditions. Now it is submitted by the learned Public Prosecutor that the police has already filed complaint before the learned Magistrate. In such a situation a direction to the police is not required. As regards the other prayer, I find that the petitioner will have to approach the learned Magistrate under Section 451 Cr.P.C. When such an application comes, the learned Magistrate will hear both the parties and pass

appropriate judicial orders. If the petitioner herein is the right person to claim custody, it can be released to him on appropriate conditions, subject to the confiscation orders, if any, to be passed by the Sub Divisional Magistrate under Section 23A (4) of the Protection of River Banks and Regulation of Removal of Sand Act.

With these observations, this Crl.M.C is closed.

P.UBAID,
JUDGE

sab