

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Crl.MC.No. 1493 of 2015 ()

**IN CMP 503/2015 of JUDL. FIRST CLASS MAGISTRATE COURTm- III,NORTH PARAVUR
CRIME NO. 938/2014 OF PUTHENVELIKKARA POLICE STATION , ERNAKULAM**

PETITIONER(S)/PETITIONER:

**KISHORE AGED 31 YEARS
S/O SHAJI, THACHERIL HOUSE, PUTHENVELIKKARA P.O.
ERNAKULAM DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

R BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1493 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: CARBON COPY OF THE ORDER DATED 5.3.2015 IN
CRL.M.P.NO.503/2015 PASSED BY THE JUDL. FIRST CLASS MAGISTRATE COURT-III,
NORTH PARAVUR.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1493 of 2015

Dated this the 6th day of April, 2015.

O R D E R

The petitioner herein claims to be the owner of the vehicle No. KL-42/H-305, seized by the Puthenvelikkara Police in Crime No.938 of 2014, on the allegation that some of the accused escaped from the scene of incident in this car with the knowledge of the petitioner herein. Of course, the petitioner is not the main offender. He is now arraigned on the allegation that he harboured the others, or helped them to escape from the scene of incident in his vehicle. The petitioner made an application before the learned Judicial First Class Magistrate -III, North Paravur for interim custody of the vehicle under Section 451 Cr.P.C. The learned Magistrate disallowed the request on the ground that the vehicle is required for investigation purpose. The said order dated 5.3.2015 is under challenge, and it is sought to be set aside. On hearing both sides I find that the vehicle can now be released to the petitioner on appropriate reasonable

conditions. The crime was registered in December 2014, and now we are in April 2015. No doubt, the police must have completed substantial part of investigation. In the particular facts of the case where the vehicle as such cannot give any clue or material to the Investigating Officer as regards the allegations made against the petitioner herein, the vehicle cannot be indefinitely kept under custody. No doubt, the Investigating Officer must have completed all necessary steps as part of investigation with regard to the vehicle seized by him.

In the result, this petition is allowed. The impugned order is set aside. The court below is hereby directed to release the petitioner's vehicle on appropriate reasonable conditions. The C.M.P No. 503 of 2015 will accordingly stand revived in the court below for disposal afresh.

Sd/-

P.UBAID,
JUDGE