

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Cr1.MC.No. 1626 of 2015

(CRIME NUMBER NOT KNOWN)

PETITIONER/ACCUSED:

ABDUL MAJEED P.,
S/O.HAMZA, PILAKKAL HOUSE,
IRINGAVOOR,
TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT:

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1. THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM,
KOCHI-682031.
 2. THE SUB INSPECTOR OF POLICE,
KUTTIPURAM POLICE STATION,
MALAPPURAM DISTRICT
PIN-676 503.

R1 & R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1626 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A : TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE
2ND RESPONDENT DATED 04.02.2015.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1626 of 2015

Dated this the 25th day of March, 2015

O R D E R

The petitioner's vehicle No.KL-08AG/5234 was seized by the Sub Inspector of Police, Kuttipuram Police Station in a crime registered under the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, (for short 'the Sand Act'). The petitioner wants to make application before the Judicial Magistrate having jurisdiction under Section 451 of the Code of Criminal Procedure for interim custody of the vehicle. But his grievance is that the police has not so far reported the fact of seizure to the learned Magistrate.

2. Now the learned Public Prosecutor submits that the police has reported the fact of seizure today to the learned Magistrate. Appropriate orders regarding interim custody under Section 451 of the Code of Criminal Procedure can be passed by the Judicial Magistrate having jurisdiction. Of course such orders will be subject to confiscation orders passed by the executive authority under Section 23A(4) of the Sand Act. If there is a report, the petitioner can very well make application

under Section 451 of the Code of Criminal Procedure for interim custody. If the petitioner is the registered owner of the vehicle, or otherwise entitled to claim interim custody under Section 451 of the Cr.P.C, the vehicle can be released to the petitioner on appropriate reasonable conditions.

With these observations this Criminal Miscellaneous Case is closed.

**P.UBAID
JUDGE**

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