

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

Crl.MC.No. 1841 of 2015 ()

**IN CMP 9936/2014 of J.M.F.C-II, PALAKKAD
CRIME NO. 13/2013 OF OLAVAKKODE FOREST RANGE OFFICE , PALAKKAD**

PETITIONER(S)/PETITIONER:

**ALEX ISSAC ROY AGED 24 YEARS
S/O.LATE V.I ROY, MANAGING PARTNER
M/S. KOHINOOR GRANITE CRUSHER, 10/485
KANJIRAMPARA MANNUR WEST, PALAKKAD**

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENT(S)/RESPONDENT:

**THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM REPRESENTING THROUGH FOREST RANGE OFFICER
OLAVAKKODE FOREST RANGE, PALAKKAD PIN 678 002**

R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1841 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 TRUE COPY OF ORDER DATED 21-1-2014 IN CMP NO 9378/2013
PASSED BY JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,PALAKKAD**

**ANNEXURE A2 TRUE COPY OF ORDER DATED 21-1-2014 IN CMP NO 9379/2013
PASSED BY JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,PALAKKAD**

**ANNEXURE A3 TRUE COPY OF ORDER DATED 21-1-2014 IN CMP NO 9380/2013
PASSED BY JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,PALAKKAD**

**ANNEXURE A4 TRUE COPY OF ORDER DATED 21-1-2014 IN CMP NO 9381/2013
PASSED BY JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,PALAKKAD**

**ANNEXURE A5 TRUE COPY OF ORDER DATED 31-10-2014 IN CRL.MP NO 9913/2014
PASSED BY JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,PALAKKAD**

**ANNEXURE A6 TRUE COPY OF ORDER DATED 31-10-2014 IN CRL.MP NO 9915/2014
PASSED BY JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,PALAKKAD**

**ANNEXURE A7 TRUE COPY OF ORDER DATED 31-10-2014 IN CRL.MP NO 9916/2014
PASSED BY JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,PALAKKAD**

**ANNEXURE A8 TRUE COPY OF ORDER DATED 31-10-2014 IN CRL.MP NO 9917/2014
PASSED BY JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,PALAKKAD**

**ANNEXURE A9 TRUE COPY OF ORDER DATED 7-1-2015 IN CMP NO 9936/2014 PASSED
BY JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,PALAKKAD**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1841 of 2015

Dated this the 20th day of March, 2015.

O R D E R

Four vehicles involved in forest offences were released to the petitioner under Section 451 Cr.P.C from the Judicial First Class Magistrate Court-II, Palakkad on certain conditions. In compliance with the conditions the petitioner produced a title deed in court. Finding the absolute necessity of title deed for remitting tax and other purposes, he made an application before the learned Magistrate to release the title deed. The learned Magistrate granted the prayer on a strange condition that the petitioner shall produce solvency certificate for one crore and seven lakhs rupees issued from a competent authority. The petitioner is aggrieved by the said condition.

2. Heard both sides. I reserve my comments on the condition imposed by the learned Magistrate. The learned Magistrate will have to consider the request judiciously, properly and legally. When a judicial authority imposes conditions, it must be reasonable, rational and practical. No doubt, the

petitioner is aggrieved by the condition. His grievance is really genuine.

In the result, this petition is allowed. The impugned order passed by the court below on 7.1.2015 in C.M.P No. 9936 of 2014 is hereby set aside. The learned Magistrate is hereby directed to pass a proper judicious order, releasing the title deed to the petitioner on appropriate reasonable conditions.

P.UBAID,
JUDGE

sab