

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Crl.MC.No. 1852 of 2015 ()

**IN CMP 11384/2014 of J.M.F.C.-II, NEYYATINKARA
CRIME NO. 919/2014 OF PARASSALA POLICE STATION , THIRUVANANTHAPURAM**

PETITIONER(S):

**JUSTIN
S/O.CHELLAPPAN, S.S.BHAVAN, VELLAMCODE
VILAVANCODE TALUK, KANYAKUMARI DISTRICT**

**BY ADVS.SRI.BLAZE K.JOSE
SRI.SAJIN JOSEPH**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM PIN - 682 031.**
- 2. SUB INSPECTOR OF POLICE
PARASSALA POLICE STATION
THIRUVANANTHAPURAM. PIN - 695 121.**
- 3. THE REGIONAL TRANSPORT OFFICER (RTO)
PARASSALA, THIRUVANANTHAPURAM PIN - 695 121.**
- 4. THE MOTOR VEHICLES INSPECTOR
RTO OFFICE, PARASSALA
THIRUVANANTHAPURAM PIN - 695 121.**

R BY PUBLIC PROSECUTOR SMT S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1- COPY OF THE CERTIFICATE OF REGISTRATION

**ANNEXURE 2- COPY OF THE SALE AGREEMENT DATED 6.2.2013 EXECUTED
BETWEEN THE PETITIONER HEREIN AND THE REGISTERED OWNER**

ANNEXURE 3- A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL20/A993

**ANNEXURE 4- THE SALE AGREEMENT DATED 12.3.2014 EXECUTED BETWEEN THE
PETITIONER AND THE REGISTERED OWNER**

ANNEXURE 5- A TRUE COPY OF THE CONTRACT CARRIAGE PERMIT

ANNEXURE 6- A TRUE COPY OF HTE SPECIAL PERMIT

ANNEXURE 7- A TRUE COPY OF THE REPORT

**ANNEXURE 8- VEHICLE MAHAZAR PREPARED BY THE AMVI, PARASSALA DATED
29.7.2014**

**ANNEXURE 9-A TRUE COPY OF THE VEHICLE CHECK REPORT PREPARED BY THE
AMVI, PARASSALA DATED 29.7.2014**

**ANNEXURE 10- A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.919 OF 2014**

**ANNEXURE 11- A TRUE COPY OF THE C.M.P NO.11384 OF 2014 BEFORE THE JFMC -II,
NEYYATTINKARA**

**ANNEXURE 12- A TRUE COPY OF HTE NOTICE ISSUED BY THE 2ND RESPONDENT
DATED 9.8.2014 TO THE REGISTERED**

ANNEXURE 13- A TRUE COPY OF HTE OBJECTION DATED 18.8.2014

**ANNEXURE 14- A TRUE COPY OF THE REPLY DATED 22.8.2014 TO THE 2ND
RESPONDENT**

**ANNEXURE 15- CERTIFIED COPY OF THE ORDER IN CMP 11384 OF 2014 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT II, NEYYATTINKARA DATED
1.09.2014**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1852 of 2015

Dated this the 30th day of March, 2015.

O R D E R

The petitioner herein claims to be the registered owner of the bus No.KL 19/C 900, seized by the Parassala police on finding that the engine number and chassis number of the vehicle are different from those described in the registration certificate. The petitioner made an application under Section 451 Cr.P.C before the Judicial First Class Magistrate Court, Neyyattinkara. The learned Magistrate disallowed the request on the ground that the engine number and chassis number of the vehicle do not tally with the descriptions in the petitioner's registration certificate. The said order dated 1.9.2014 is under challenge. On hearing both sides I find that the petitioner's request for interim custody cannot be entertained till appropriate steps are taken by him under the Motor Vehicles Act and the Rules thereunder for ratifying the action, changing the engine number and chassis number. The learned counsel

submits that when the vehicle is in court custody, the Transport Authorities will not be able to inspect the vehicle, if he makes an application before the Transport authorities. I make it clear that if there is such an application and if the Transport Authority wants to inspect the vehicle which is now in court custody, the court will have to permit the Transport Authority to inspect the vehicle for appropriate actions on the petitioner's request. Till things get corrected under the law and the petitioner gets proper orders from the Transport Authority regarding the engine number and chassis number, his claim under Section 451 Cr.P.C cannot be entertained. As and when orders are passed and change of number is permitted by the Transport Authority on application, the petitioner can make a fresh application under section 451 Cr.P.C. Till then the vehicle will have to continue in court custody.

With the above observations, this Crl.M.C is disposed of.

Sd/-

P.UBAID,
JUDGE