

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Crl.MC.No. 1899 of 2015 ()

CRIME NO. 137/2015 OF MUKKOM POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED :

**SAJAD E.P.,
S/O. MUHAMMED, AGED 24 YEARS
EDAKKAMBALATH HOUSE, CHERUVADI
KODIYATHOOR, KOZHIKODE DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT :

**1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**

**2. THE SUB INSPECTOR OF POLICE,
MUKKOM POLICE STATION, KOZHIKODE DISTRICT
PIN-673 602.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

P. UBAID, J.

Crl.M.C.No.1899 of 2015

Dated this the 1st day of April, 2015

O R D E R

The petitioner's vehicle is involved in a crime registered by the Mattannur police under the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001(for short, 'the Sand Act'). He wants to make an application before the learned Magistrate having jurisdiction, under Section 451 Cr.P.C. for interim custody of the vehicle. But his grievance is that police has not so far reported the fact of seizure to the learned Magistrate. Now, the learned Public Prosecutor submits that the police has reported the fact of seizure to the learned Magistrate. In such a circumstance the petitioner can very well make application before the learned Magistrate, under Section 451 Cr.P.C. The learned Magistrate will release the vehicle to the petitioner on appropriate and reasonable conditions, if he is the right person to claim interim custody under Section 451 Cr.P.C., and if there is no factual or legal objection.

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

Sd/-

P. UBAID, JUDGE

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