

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937**

**Crl.MC.No. 2600 of 2015 ()**  
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**CMP.NO. 1315/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT., PATTAMBI  
CRIME NO. 365/2015 OF THRITHALA POLICE STATION , PALAKKAD DISTRICT**  
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**PETITIONER/PETITIONER:**  
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**MUHAMMED SHEREEF, AGED 31 YEARS,  
S/O.ABOOBACKER,VARAYATHVALAPPIL HOUSE,  
KAKKIDIPPURAM, ALANCODE,  
(PO) PANTHAVOOR, MALAPPURAM DISTRICT,  
PIN- 679 585.**

**BY ADV. SRI.E.C.BINEESH**

**RESPONDENT(S)/RESPONDENTS:**  
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- 1. THE STATE OF KERALA,  
REPRESENTED BY THE SUB INSPECTOR OF POLICE,  
THRITHALA POLICE STATION, PALAKKAD DISTRICT,  
PIN -679 534, THROUGH PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE REVENUE DIVISIONAL OFFICER,  
OTTAPPALAM REVENUE DIVISIONAL OFFICE,  
PALAKKAD DISTRICT, PIN -679 101.**

**BY SR PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**sts**

**Crl.MC.No. 2600 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
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**ANNEX-1:      A TRUE COPY OF THE SEIZURE MAHAZAR, PREPARED BY THE 1ST  
RESPONDENT DATED 5.3.2015.**

**ANNEX-2:      A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME  
NO.365/2015 OF THRITHALA POLICE STATION.**

**ANNEX-3:      CERTIFIED COPY OF THE ORDER OF THE JUDICIAL FIRST CLASS  
MAGISTRATE COURT, PATTAMBI IN CMP NO.1315/2015 DATED  
18/3/2015.**

**RESPONDENT(S)' ANNEXURES:**  
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**NIL**

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

P. UBAID, J.

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Crl.M.C.No.2600 of 2015  
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Dated this the 5<sup>th</sup> day of May, 2015

O R D E R

The petitioner herein is the registered owner of the vehicle No. KL-54-E-807. The said vehicle was seized by the Thrithala police on the allegation that the said vehicle was used for abetment of an offence punishable under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. Prosecution allegation is not that the said vehicle was used for transportation of river sand. Any way, the police seized the vehicle and produced it before the court. The petitioner filed application for interim custody of the vehicle before the learned Judicial First Class Magistrate, Pattambi, as CMP No.1315/2015. The learned Magistrate allowed the request on certain conditions. The petitioner is aggrieved by some of the conditions including the direction to produce bank guarantee for 30% of the value of the vehicle assessed.

2. On hearing both sides, I find that the said condition is liable to be set aside. The petitioner relies on the judgment of this Court in **Shoukathali v. District Collector, Malappuram and others [2007(1) KHC 27]**. This is not a

case where the petitioner's vehicle was used for transportation of river sand. Any way, some conditions are required to ensure production of the property during trial, if so required. The other conditions imposed by the learned Magistrate will suffice in the present circumstance.

In the result, this petition is allowed. The condition No.2 imposed by the court below as per order dated 18.03.2015 in CMP No.1315/2015 will stand set aside.

Sd/-

P. UBAID, JUDGE

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