

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYASHTA, 1937

Crl.MC.No. 2840 of 2015 ()

CRIME NO. 494/2014 OF POZHIOOR POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :

**SUNIL,
S/O.NESAN,
PUTHUVAL POTTA VEEDU,
KANTHALLOOR DESOM
PLAMOOTTUKKADA P.O.**

BY ADV. SRI. R.T. PRADEEP

RESPONDENT :

**THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

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APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE I :** TRUE COPY OF FIR DATED 22-8-2014 IN CRIME NO.494/2014 OF POZHIOOR POLICE STATION.
- ANNEXURE II :** TRUE COPY OF JUDGMENT DATED 27-5-2014 IN WPC.NO.12467/2014 BY THIS HON'BLE COURT.
- ANNEXURE III :** TRUE COPY OF SALE NOTE DATED 10-10-2013 BY THE DEFACTO COMPLAINANT IN FAVOUR OF PETITIONER.
- ANNEXURE IV :** TRUE COPY OF CMP NO.14568/2014 DATED 15-11-2014 FILED BY THE PETITIONER.
- ANNEXURE V :** TRUE COPY OF OBJECTION DATED 24-11-2014 FILED BY THE INVESTIGATING OFFICER.
- ANNEXURE VI :** TRUE COPY OF ORDER DATED 25-11-2014 IN CMP NO.14568/2014 IN CRIME NO.494/2014 OF POZHIOOR POLICE STATION.
- ANNEXURE VII :** TRUE COPY OF CMP DATED 9-12-2014 SEEKING DIRECTION TO SUB INSPECTOR OF PARASSALA POLICE STATION TO PRODUCE ORIGINALS OF RC BOOK AND INSURANCE CERTIFICATE.
- ANNEXURE VIII :** TRUE COPY OF CMP DATED 17-1-2015 FILED BY DEFACTO COMPLAINANT.
- ANNEXURE IX :** TRUE COPY OF OBJECTION NIL DATED FILED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

Crl.M.C.No.2840 Of 2015

Dated this the 27th day of May, 2015.

ORDER

The above captioned Crl.M.C has been filed with the following prayer:

“..... to set aside condition No.2 in Annexure - VI and direct to release the vehicle on production of duplicate RC Book for verification without insisting for Insurance certificate”.

2. Heard Sri.R.T.Pradeep, learned counsel for the petitioner and the learned Public Prosecutor for the respondent.

3. The specific averment of the petitioner is that the documents like the original of the Registration Certificate and Insurance Certificate of the car were irrecoverably lost from the police station and therefore the petitioner is unable to comply with condition No.2 in Annexure-VI order.

4. This Court as per order dated 15.5.2015 had specifically directed the Station House Officer to report regarding the loss of RC Book alleged by the petitioner and also on the request of the petitioner to release the vehicle on production of duplicate RC Book.

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5. In spite of these specific repeated directions, specific instructions to rebut this factual plea of the petitioner has not been made by the respondents. In this view of the matter, it is ordered that condition No.2 in Annexure-VI order shall stand modified as hereunder:

“The petitioner should secure the duplicate RC Book in respect of the car in question and on production of the said duplicate RC Book, the vehicle shall be released to the petitioner on compliance of the condition Nos.1, 3 & 4.”

6. It is pointed out that the validity of the insurance policy has already been expired. After getting custody of the vehicle, the petitioner shall secure the Insurance Policy for the vehicle and shall then produce the original of such Insurance Policy for verification as mentioned in the impugned order.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

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