

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Crl.MC.No. 2945 of 2015 ()

**CMP.NO. 2636/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II,
PATHANAMTHITTA
CRIME NO. 1/2015 OF KUMARAMPEROOR FOREST STATION, PATHANAMTHITTA**

PETITIONER/CLAIM PETITIONER:

**V.A.AMAL, AGED 33 YEARS,
S/O.V.V.APPUKUTTAN, RESIDING AT VALUPARAMBIL HOUSE,
MUNDAVOOR KARA, VELLOORKUNNAM VILLAGE,
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT(S)/COUNTER PETITIONERS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN -682 031,
REPRESENTED BY THE DEPUTY RANGER, FOREST STATION,
SOUTH KUMARAMPEROOR.**
- 2. SANOOP ALIYAR, AGED 30 YEARS,
S/O.ALIYAR, RESIDING AT CHALAKUDIYIL HOUSE,
PALLIPPADY KARA, MULAVOOR VILLAGE, MUVATTUPUZHA.**

R1 BY SPL.GOVERNMENT PLEADER (FOREST) SRI. M.P. MADHAVANKUTTY

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: TRUE COPY OF ORDER DATED 11/5/2015 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT KUMARAMPEROOR IN CMP NO.2636/2015.**

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

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

Crl.M.C.No.2945 Of 2015

Dated this the 29th day of June, 2015.

ORDER

The prayer in this Crl.M.C is to set aside impugned Anx-A1 order which denies grant of interim custody of the car bearing Reg. No.KL-17-L-5226 belonging to the petitioner which was seized in connection with the impugned Forest Occurrence Report No.1/2015 of South Kumaramperur Forest Station for offences under Secs. 2(33), 2(36), 9, 39(1)(d), 48A & 51 of the Wild Life (Protection) Act, 1972. It is the common ground that the petitioner is not an accused and it is the case of the petitioner that accused No.1 had borrowed the petitioner's car for attending a marriage and believing that A1 will not misuse the said opportunity, the petitioner had given him custody of the car and it is now stated that the car has been involved in the commission of the above said occurrence of the forest crime which resulted in OR.No.1/2015 as stated above. It is pointed out that the petitioner is ready and willing to comply with any condition that may be imposed by this Court to ensure that the petitioner will produce the car before the court below or before the empowered officer as and when required and

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that he will not alienate or transfer the vehicle without the permission of the court below and that he will not dismantle the car until conclusion of the trial. It is further pointed out that the petitioner will offer security for the value of the car by furnishing security of immovable property to the satisfaction of the court below.

2. Heard, Sri.Peeyus A.Kottam, learned counsel for the petitioner and the learned Special Public Prosecutor (Forests) appearing for the 1st respondent-State of Kerala.

3. Indisputably, the petitioner is not an accused in the instant case and that accused No.1 had borrowed the car from the petitioner. Taking into account all the facts and circumstances, it is ordered in the interest of justice that the impugned Anx-A1 rejection order is set aside and the petitioner will swear to an affidavit unconditionally undertaking that in case the interim custody of the vehicle is granted to him, he will not alienate or transfer the vehicle in any manner without the permission of the court below concerned and that he will not dismantle the car and produce the vehicle before the court below concerned or before the empowered officer concerned as and when required by anyone of them. It is pointed out that the vehicle in question is a Ford Figo hatch back car diesel model of September, 2013

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purchased and the value of the car as shown in the insurance taken with the Royal Sundaram Alliance Insurance Company Limited as on 15.3.2014 is Rs.5,07,366/-. Accordingly, it is further ordered in the interest of justice that the petitioner shall furnish security by way of immovable property of value to the tune of Rs.5,00,000/- (Rupees Five Lakhs only). On the petitioner fulfilling these conditions as aforestated, the interim custody of the vehicle shall be granted to the petitioner. This will be subject to any order that may be passed by the competent criminal court on the question of final custody of the vehicle in question.

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

ALEXANDER THOMAS,
Judge.

bkn/-