

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Crl.MC.No. 4060 of 2015

**CRL.MP 2377/2015 OF ADDITIONAL SESSIONS COURT, THRISSUR DATED 15-06-2015
CRIME NO. 124/2015 OF MALA POLICE STATION , THRISSUR**

PETITIONER/ACCUSED:

**SANOJ, AGED 27 YEARS,
S/O.SURESH, PALAPARAMBIL HOUSE, KUMBIDI DESOM,
PALISSERY.P.O, THRISSUR DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

/RESPONDENT/COMPLAINANT AND STATE:

- 1. S.I. OF POLICE,
MALA POLICE STATION, MALA,
THRISSUR DISTRICT-680001.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

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APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE A1 COPY OF THE ORDER DATED IN B.A.1323 OF 2015

**ANNEXURE A2 COPY OF THE ORDER DATED 15.6.2015 IN CRL.M.P.2377/2015 ON THE
FILE OF THE I ADDL.SESIONS COURT,THRISSUR.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

Crl.M.C.No.4060 Of 2015

Dated this the 14th day of July, 2015.

ORDER

The limited prayer made by the petitioner is for deletion of impugned condition numbers (e), (f), (g) and (h) of Anx-A2 order passed by the I Additional Sessions Court, Thrissur on Crl.M.P.No.2377/2015 filed in Crime No.124/2015 of Mala Police Station. The prayer for interim custody of the vehicle in question seized in connection with the aforesaid crime was granted to the petitioner as per Anx-A2 order subject to certain conditions which reads as follows:

a) The petitioner can get interim custody of the vehicle if he is the registered owner, on executing bond for Rs.5 lakhs with 2 solvent sureties for the like sum.

b) Before release of the vehicle the same shall be inspected by the Motor Vehicle Inspector as to report about the present condition, model, engine number and chassis number.

c) Photographs of the vehicle from all sides and interior shall be taken and produce with negatives or CD shall be taken in the presence of the Investigating Officer and the photographs, negatives and CD shall be produced before the Court.

d) Petitioner shall not alter the present nature, style, colour and features of the vehicle.

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- e) The vehicle shall not be taken out of the district.
- f) The petitioner shall declare the place wherein the vehicle will be stationed and the vehicle shall be available at the place within a short time.
- g) One among the sureties shall be a close relative of the petitioner.
- h) One among the petitioner and the sureties shall produce bank security for Rs.5 lakh and the same will be retained by the court till the disposal of the case.
- i) The petitioner and the sureties shall be personally liable to preserve the vehicle as such and produce the same before the court as and when required as it is required from the court.
- j) The petitioner and the sureties shall not use the vehicle for any unlawful or illegal activities.”

2. Heard Sri.O.D.Sivadas, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondents.

3. The court below has exercised its discretion to grant interim custody of the vehicle. The only dispute now raised is as to whether the aforestated conditions (e), (f), (g) and (h) should be deleted or retained. After hearing both sides, it is ordered in the interest of justice as follows:

The impugned condition (e) will stand modified and substituted as “the vehicle shall not be taken outside the State of Kerala.”

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The impugned condition (f) that the petitioner shall declare the place wherein the vehicle will be stationed and the vehicle shall be available at the place within a short time will stand modified and substituted as “the petitioner shall declare the place wherein the vehicle will be stationed and produce the vehicle as and when required by the court below concerned.”

The impugned condition (g) that one among the sureties shall be a close relative of the petitioner shall stand deleted as condition (a) is sufficient to meet that requirement.

The impugned condition (h) that one among the petitioner and the sureties shall produce bank security for Rs.5 lakh and the same will be retained by the court till the disposal of the case shall stand deleted and substituted that “the petitioner shall not alienate, transfer or encumber the vehicle in any manner until the matter of final custody of the vehicle is decided at the time of conclusion as envisaged under Sec.452 of the Cr.P.C.”

4. Accordingly, the impugned Anx-A2 order will stand modified as ordered above. It is further ordered that the petitioner

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shall file an affidavit undertaking to comply with the conditions in Anx-A2 order subject to its modification as ordered above.

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

ALEXANDER THOMAS,
Judge.

bkn/-