

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Crl.MC.No. 4156 of 2015

C.M.P.NO.1122/2015 OF JUDICIAL FIRST CLASS MAGISTRATE'S COURT, IDUKKI

CRIME NO. 95/2015 OF KANJIKUZH POLICE STATION , IDUKKI DISTRICT

PETITIONER(S)/PETITIONER :

**ANISH K.G., AGED 34 YEARS,
S/O.GOPI, RESIDING AT KALACHIRAYIL HOUSE,
VATHIKUDY VILLAGE, THOPRANKUDI KARA, THOPRANKUDI P.O.,
IDUKKI DISTRICT.**

**BY ADVS.SRI.T.MADHU
SRI.D.M.SAJEEVAN**

RESPONDENT(S)/STATE AND RESPONDENT :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE STATION HOUSE OFFICER,
KANJIKUZH POLICE STATION, IDUKKI DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY GOVERNMENT PLEADER SRI.R.GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1:** THE TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF THE VEHICLE BEARING NO.KL-06-F-5699 BELONGING TO THE PETITIONER.
- ANNEXURE A2:** THE TRUE COPY OF THE GOODS CARRIAGE PERMIT DATED 23.06.2012 ISSUED BY THE REGIONAL TRANSPORT OFFICE, IDUKKI.
- ANNEXURE A3:** THE TRUE COPY OF THE PETITION DATED 20.06.2015 IN C.M.P.NO.1122/2015 ON THE FILES OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT, IDUKKI.
- ANNEXURE A4:** THE TRUE COPY OF THE ORDER DATED 26.06.2015 IN C.M.P NO.1122/2015 ON THE FILES OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT, IDUKKI.
- ANNEXURE A4(A):** THE TRUE TYPE WRITTEN COPY OF ANN-A4 ORDER.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4156 of 2015

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Dated this the 21st day of July, 2015

O R D E R

The prayer in this Crl.M.C. is for a direction from this Court to delete condition No.1 of Anx.A4(a) order rendered by the Judicial First Class Magistrate's Court, Idukki, on 26.5.2015 in Criminal Miscellaneous Petition No.1122/2015 in Crime No.95/2015 of Kanjikuzhi Police Station. The petitioner is the owner of the vehicle in question (lorry) seized in connection with Crime No.95/2015 of Kanjikuzhi Police Station, registered for offences under Sec.269 of the I.P.C. and Sec.120(e) of the Kerala Police Act. The prayer of the petitioner as the owner of the vehicle for grant of interim custody of the vehicle was allowed by the court below as per Anx.4(a) order along with five conditions, which are noted below:

- "1. Petitioner shall deposit a cash security of half of the total value of vehicle based on the AMVI Report.
2. Petitioner shall execute a bond for the said amount and with two solvent securities for the like sum.
3. Petitioner shall produce the photograph and CD of the vehicle showing the registration number.
4. The vehicle shall not involve in any crime of the alike nature.

5. Issue notice to AMVI seeking valuation report.”

2. Heard Sri.T.Madhu, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. It is pointed out that the impugned condition No.1 was stipulated by the court below on the apprehension that the vehicle is likely to be involved in such similar crime in future. The learned Public Prosecutor was specifically requested to ascertain as to whether the petitioner's vehicle was previously involved in any such similar or graver offence. Today when the matter was taken up for consideration, the learned Public Prosecutor, on instructions, submitted that the petitioner is not an accused in the present crime and that the said vehicle was not involved previously in such similar or graver offence.

4. In the light of these submissions, it is ordered in the interest of justice that impugned condition No.1 shall stand deleted on condition that the petitioner shall file an affidavit before the court below concerned undertaking that the petitioner's vehicle will not be involved in any such similar or graver offences in future. It is made clear that in case the petitioner's vehicle is involved in any

such similar or graver offences in future, then it will be open to the respondents to insist for onerous conditions like the present impugned condition at the appropriate time.

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

sd/-
ALEXANDER THOMAS, JUDGE
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///True copy///

P.S. to Judge