

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

CrI.MC.No. 4315 of 2015 ()

**CRIME NO. 173/2015 OF PERAMANGALAM POLICE STATION , THRISSUR DISTRICT
CRL.M.P.NO.2161/2015 IN SC.NO.300/2015 OF 1ST ADDITIONAL SESSIONS
COURT, THRISSUR**

PETITIONER/PETITIONER :-

**KIRAN RAVI RAJU, AGED 28 YEARS,
S/O.RAVI RAJU, RESIDING AT #33, 2ND CROSS,
VENKATTAPPA LAYOUT, SANJAY NAGAR,
BANGLORE - 560 094.**

**BY ADVS.SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.V.S.THOSHIN**

RESPONDENT/RESPONDENT :-

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH THE SUB INSPECTOR OF POLICE,
PERAMANGALAM, THRISSUR-681 001**

BY SR PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 4315 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX A. THE CARBON COPY OF THE ORDER IN CRL.M.P.NO.2161/15 IN S.C NO.300/2015.

ANNEX B. COPY OF THE PRESENT PHOTOS OF THE VEHICLE PB 03 F 9999.

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

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.4315 of 2015
.....

Dated this the 25th day of September, 2015

O R D E R

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Petitioner, who is styling himself as the owner of a Hummer car involved in Crime No.173/2015 of Peramangalam Police Station, which is presently pending as SC.300/2015 of the Ist Additional Sessions Court, Thrissur, has come up with a request under Section 451 Cr.P.C. for getting the car released to the interim custody of the petitioner.

2. According to the petitioner, the Hummer car, which is presently having a cost of ₹1.5 crores, will get automatically ruined in case it is continued to be kept in open at the police station as is being kept at present.

3. According to the learned counsel for the

petitioner, the petitioner is CW20 in the case against the accused and even the prosecution has got a case that it was the said car that belongs to the petitioner, which was handed over to the accused. According to the learned Senior Public Prosecutor, the investigation has revealed that the said vehicle was purchased by the accused after parting with the part of consideration. Whatever it is, those things do not arise for consideration at present.

4. It may be true that there is every possibility to get the car damaged if it is kept like this. At the same time, the fact that the said car that was used as the weapon for committing the offence has to be considered. The said car is a material object in the case and the same has to be identified by the witnesses. According to the learned Senior Public Prosecutor, the case has been scheduled for trial from 26.10.2015 to 17.11.2015.

5. On going through the facts of the case, the present request forwarded by the petitioner cannot be entertained at

present. It is for the petitioner to approach the court below at the stage of Section 452 Cr.P.C. and at that stage, the court below shall pass appropriate orders in accordance with law. The observations contained in Annexure-A with regard to the title of the petitioner over the car, shall not stand in the way of considering the matter afresh at the stage of Section 452 Cr.P.C. The court below shall decide the question of entitlement under Section 452 Cr.P.C., quite untrammelled by any of the observations made by the court below in Annexure-A order.

With the said observations, this Crl.M.C. is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/25/09

// True Copy //

PA to Judge