

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937**

**Crl.MC.No. 4694 of 2015 ()**  
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**CRIME NO. 173/2015 OF PERAMANGALAM POLICE STATION,THRISSUR DISTRICT  
CRL.M.P.NO.2175/2015 IN SC.NO.300/2015 OF 1ST ADDL.SESIONS COURT, THRISSUR**  
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**PETITIONER/ACCUSED:**  
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**MOHAMMED NISHAM A.A.,  
S/O. ABDUL KHADER, AGED 39 YEARS,  
ADAKKAPRAMBIL HOUSE, PADIYAM,  
MUTTICHOOR, THRISSUR.**

**BY SRI.B.RAMAN PILLAI,SENIOR ADVOCATE  
ADVS. SRI.M.SUNILKUMAR  
SRI.SUJESH MENON V.B.  
SRI.TANIL KUMAR  
SRI.MANU TOM  
SRI.THOMAS ABRAHAM (NILACKAPPILLIL)  
SRI.M.VIVEK  
SRIA.RAJESH**

**RESPONDENT/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031**

**BY SR PUBLIC PROSECUTOR SRI.C.RASHEED**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 01-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**sts**

**Crl.MC.No. 4694 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
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- ANNEX A - THE TRUE COPY OF THE MAHAZAR DT. 29.01.05.**
- ANNEX B - THE TRUE COPY OF THE RELEVANT PORTION OF THE FINAL REPORT  
IN CRIME NO. 173/2015 DT. 04.04.2015.**
- ANNEX C - THE TRUE COPY OF THE AFFIDAVIT.**
- ANNEX C1 - THE TRUE COPY OF THE AUTHORIZATION.**
- ANNEX D - THE TRUE COPY OF THE OBJECTION DT. 05.6.2015.**
- ANNEX E- THE CERTIFIED COPY OF ORDER IN CRL.M.P NO. 2175/2015 IN S.C NO.  
300/2015 OF THE COURT OF 1ST ADDITIONAL SESSIONS JUDGE,  
THRISSUR DT. 22.6.2015.**

**RESPONDENT(S)' ANNEXURES:** **NIL**  
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**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

**B. KEMAL PASHA, J.**

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Crl.M.C. No.4694 of 2015  
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*Dated this the 1<sup>st</sup> day of September, 2015*

**ORDER**

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A *Jaguar XF* car having registration No.KL-08AU-777 has been seized in the case, by the police. The said car was allegedly used by the wife of the accused. The accused has filed Crl.M.P. No.2175/2015 before the court below for getting the car released. Through Annexure-E order, the court below has dismissed the said petition.

2. Heard learned Senior Counsel for the petitioner and learned Senior Public Prosecutor.

3. The learned Senior Counsel for the petitioner has pointed out that the said valuable car was being used by the wife of the accused and the same is in no way required for the trial of the case. The learned Senior Public Prosecutor has also pointed out that the said car is not a material object

in the case, and the same is not required for the continued trial of the case. Annexure-C and Annexure-C1 were filed before the court below by the petitioner. When the said vehicle is not required for the continued trial of the case, the reasons mentioned by the court below in Annexure-E for dismissing the petition are not legally sustainable.

4. The court below is directed to release the car in question to the petitioner or to his authorised agent as prayed for. The court below shall impose appropriate conditions, to the satisfaction of the court below, for the release of the car.

This CrI.M.C. is allowed to the above extent.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/01/09

*// True Copy //*

*PA to Judge*