

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Crl.MC.No. 5097 of 2015 ()

CRIME NO. NOT KNOWN OF THE AREACODE POLICE STATION

PETITIONER/ACCUSED :

**MOIDEENKUTTY
S/O.ALAVI, AGED 37 YEARS
ANAKALLUNGAL HOUSE, PULIYAKKODE
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT :

**1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**

**2. THE SUB INSPECTOR OF POLICE
AREACODE POLICE STATION, MALAPPURAM DISTRICT
PIN-673 638.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 5097 of 2015

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Dated this the 7th day of August, 2015

O R D E R

The prayer in this Crl.M.C. is as follows:

“..... to direct the 2nd respondent to report the seizure of vehicle bearing registration No.KL-57A/3703 to the J.F.C.M-I, Manjeri and the Learned Magistrate may be directed to dispose of the application for interim custody of the vehicle, within a time frame, without any delay, in the interests of justice.”

2. Heard Sri.Babu S.Nair learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. In the facts and circumstances of this case, it is ordered in the interest of justice as follows:

In case the 2nd respondent Sub Inspector of Police, Areacode Police Station, Malappuram, has not reported seizure of the aforestated petitioner's vehicle to the jurisdictional Magistrate's court viz., Judicial First Class Magistrate's Court-I, Manjeri, then the 2nd respondent shall ensure that the factum of the seizure of the vehicle in question shall be forthwith reported to the jurisdictional

Magistrate's court concerned, without any further delay, at any rate, within a period of one week from the date of receipt of a certified copy of this order. The 2nd respondent shall inform the petitioner by a letter through registered speed post as to the fact of reporting of the seizure of the vehicle to the court below. On receipt of such report of the seizure of the vehicle by the learned Magistrate, it will be open to the petitioner to make an appropriate application for interim custody of the vehicle, which shall be then considered in the light of the legal position settled in that regard. Such decision shall be taken without much delay, at any rate, within an outer time limit of three weeks from the date of filing of the application of the petitioner before the court below.

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

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ALEXANDER THOMAS, JUDGE
///True copy///

P.S. to Judge