

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

**PRESENT:**

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

**TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937**

**Crl.MC.No. 6363 of 2015 ()**  
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**CMP. NO.2079/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL.  
CR. NO. 843/2015 OF MANGALAPURAM POLICE STATION, THIRUVANANTHAPURAM.**  
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**PETITIONER/PETITIONER:**  
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**SALIHA BEEVI,  
W/O.SHAJAHAN, R/O AZEENA MANZIL, MAMA,  
CHITTATTINKARA DESOM, KIZHUVILAM VILLAGE.**

**BY ADVS.SRI.P.HARIDAS,  
SRI.P.C.SHIJIN.**

**RESPONDENTS/STATE & COMPLAINANT:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN- 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,  
MANGALAPURAM POLICE STATION,  
THIRUVANANTHAPURAM DISTRICT, PIN- 695 101.**
- 3. THE CIRCLE INSPECTOR OF POLICE,  
KAZHAKKOOTTAM POLICE STATION,  
THIRUVANANTHAPURAM DISTRICT, PIN- 695 582.**

**BY PUBLIC PROSECUTOR SRI.ABDUL KAREEM FOR A.D.G.P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 13-10-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**APPENDIX**

**PETITIONER'S ANNEXURES:-**

- ANNEXURE-A1: TRUE COPY OF THE PETITION IN C.M.P.NO.2079/2015 IN CR.NO.843/2015 OF MANGALAPURAM POLICE STATION DATED 24.08.2015.**
- ANNEXURE-A2: TRUE COPY OF REPORT OF THE 3RD RESPONDENT DATED 25.08.2015.**
- ANNEXURE-A3: CERTIFIED COPY OF THE ORDER DATED 26.08.2015 IN C.M.P.NO.2079/2015 IN CR.NO.843/2015 OF MANGALAPURAM POLICE STATION FILED BEFORE THE JUDICIAL I CLASS MAGISTRATE-II, ATTINGAL.**

**RESPONDENT'S ANNEXURES:- NIL.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**rs.**

**B.KEMAL PASHA, J.**

.....  
CRL.M.C. No. 6363 of 2015  
.....

Dated this the 13<sup>th</sup> day of October, 2015

**ORDER**

In a pending crime, petitioner is not a party. She is neither the defacto complainant nor the accused. Being a thirty party, she has filed an petition under Section 451 Cr.P.C. before the court below for getting the vehicle released to her interim custody. The court below has dismissed the said petition.

When the petitioner is not a party to the proceedings and is only a third party, who is claiming possession of the vehicle under Section 451 Cr.P.C., a revision is prefectively maintainable on the impugned order. With liberty to the petitioner to file a criminal revision, this Crl.M.C. is closed.

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

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[True copy]

P.S. to Judge