

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Crl.MC.No. 6502 of 2015 ()

**CMP NO. 9338/2015 (IN CRIME NO. 1625/2015 OF KODUNGALLUR POLICE STATION)
OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KODUNGALLUR**

PETITIONER :

**SANTHOSH C.K.,
S/O. KUMARAN, AGED 44 YEARS
CHALLIYIL HOUSE, AZHIKODE P.O.,
KODUNGALLUR,
THRISSUR DISTRICT – 680 666.**

**BY ADVS.SRI.J.JULIAN XAVIER
SRI.FIROZ K. ROBIN**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SI OF POLICE
KODUNGALLUR POLICE STATION
KODUNGALLUR
THRISSUR DISTRICT – 680 666.**

R1& R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES :

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| ANNEXURE 1 | : COPY OF THE CERTIFICATE OF REGISTRATION OF VEHICLE NO. KL 58-3140. |
| ANNEXURE 2 | COPY OF THE DRIVING LICENSE OF THE PETITIONER. |
| ANNEXURE 3 | COPY OF THE GO(MS) NO. 17/2010-F & PD DATED 18.3.2010 ISSUED BY THE FISHERIES AND PORTS (D) DEPARTMENT, GOVERNMENT OF KERALA |
| ANNEXURE 4 | COPY OF THE MANUAL DREDGING NORMS WITHIN PORT LIMITS. |
| ANNEXURE 5 | COPY OF THE PERMIT DATED 29.6.2015 ISSUED BY THE PORT CONSERVATOR, AZHIKODE JETTY P.O., KODUNGALLUR. |
| ANNEXURE 6 | COPY OF THE VEHICLE PASS ISSUED ON 24.6.2015. |
| ANNEXURE 7 | COPY OF THE DETAILS OF APPLICATION SUBMITTED BY THE SOCIETY FOR LOADING DREDGED MATERIAL ON 1.7.2015. |
| ANNEXURE 8 | COPY OF THE BILL DATED 1.7.2015 ISSUED BY THE SOCIETY TO THE PETITIONER. |
| ANNEXURE 9 | COPY OF THE ACKNOWLEDGEMENT FOR SAND PASS REQUEST SUBMITTED BY THE SOCIETY ON 7.1.2015. |
| ANNEXURE 10 | COPY OF THE LETTER ISSUED BY THE SECRETARY AITUC WITH REGISTRATION NO. 08-17/88 DATED 2.7.2015. |
| ANNEXURE 11 | COPY OF THE JUDGMENT DATED 29.7.2015 IN WP(C) NO. 21287/2015. |

(Contd...)

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- ANNEXURE 12 COPY OF THE FIR IN CRIME NO. 1625/2015 OF KODUNGALLUR
POLICE STATION.
- ANNEXURE 13 COPY OF THE PETITION DATED 11.8.2015.
- ANNEXURE 14 COPY OF THE ORDER DATED 8.9.2015 IN OP(CRL) NO.292/2015.
- ANNEXURE 15 COPY OF THE ORDER DATED 17.9.2015 IN CRL.M.P.
NO. 9338/2015 (CRIME NO. 1625/2015 OF KODUNGALLUR
POLICE) OF THE JFMC, KODUNGALLUR.

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 6502 of 2015

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Dated this the 9th day of October, 2015

ORDER

Heard the learned counsel for the petitioner.

2. The court below shall obtain the valuation of the lorry from the AMVI or the MVI of the Motor Vehicles Department and release the said vehicle to the interim custody of the petitioner on the following terms and conditions:

The petitioner shall deposit 30% of the value of the vehicle before the court below. For the balance amount, the petitioner shall furnish Bank guarantee or security of his immovable property before the court below. Further conditions to the effect that the petitioner shall not alienate or encumber the lorry, he shall not make use of the lorry for any illegal purposes, and that

he shall produce the lorry as and when called for before court or the investigating officer, have also to be incorporated. The court below shall complete the said exercise and shall release the lorry to the interim custody of the petitioner as expeditiously as possible, at any rate within a period of 15 (fifteen) days from the date of receipt of a copy of this order.

This Crl.M.C. is disposed of as above.

**B.KEMAL PASHA
JUDGE**

DSV/9/10/15