

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937**

**Crl.MC.No. 6572 of 2015 ()**  
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**C.M.P. 2677/2015 IN CRIME NO. 996/2014 OF THE ADDITIONAL CHIEF JUDICIAL  
MAGISTRATE COURT, THALASSERY**

**PETITIONER/PETITIONER:**  
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**SARU V., S/O. MAJEED,  
SHIJINAS, NR. MHS MUZHAPPILANGAD,  
P.O. MUZHAPPILANGAD, KANNUR DISTRICT.**

**BY ADV. SRI.SUNNY MATHEW**

**RESPONDENTS/RESPONDENTS:**  
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- 1. THE SUB INSPECTOR OF POLICE, EDAKKAD POLICE STATION,  
KANNUR DISTRICT – 676 001.**
- 2. STATE OF KERALA, (RESPONDENTS 1 & 2) REPRESENTED BY THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM – 682 031.**

**R BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
08-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 6572 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURE:**  
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**ANNEXURE A1:        TRUE COPY OF THE ORDER PASSED BY THE COURT OF THE  
                             ADDL. CHIEF JUDICIAL MAGISTRATE , THALASSERY IN C.M.P  
                             NO. 2677/2015 DATED 7.8.2015.**

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

**P.A. TO JUDGE**

**AK**

**P.UBAID, J.**

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**Crl.M.C.No.6572 of 2015**  
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Dated this the 8<sup>th</sup> day of October, 2015

**ORDER**

The petitioner herein claims to be the registered owner of the motorcycle No.KL 13 AC 2176. The said vehicle was seized by the police during the investigation in Crime No.996 of 2014 of the Edakkad Police Station. The petitioner made an application before the learned Additional Chief Judicial Magistrate Court, Thalassery under Section 451 Cr.P.C. as CMP No.2677 of 2015. The learned Magistrate allowed the application on certain conditions. The petitioner is aggrieved by the second condition directing him to deposit an amount of ₹20,000/-, and the said condition is sought to be quashed under Section 482 Cr.P.C. On hearing both sides, I find that the said condition imposed by the Court below is really unreasonable. The crime involves so many offences including the one under Section 308 IPC. It is not known how

exactly the vehicle was used for the commission of the offence, except that one or other accused reached at the scene of incident by using the said motorcycle. User of a motorcycle, or a property for the commission of an offence is something different. Anyway, I feel that the objectional condition can be set aside.

In the result, this petition is allowed. The condition No.2 imposed by the Court below as per the order dated 07.08.2015 in CMP No.2677 of 2015, directing the petitioner to deposit an amount of ₹20,000/-(Rupees Twenty Thousand only) will stand deleted.

Sd/-  
**P.UBAID**  
**JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE