

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Crl.MC.No. 6942 of 2015 ()

M.P. NO. 29038/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- II, PERAMBRA
OR. NO. 4/2015 OF PERUVANNAMOOZHI FOREST RANGE.

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PETITIONER(S):

SUNIL GEORGE, S/O.GEORGE,
OONNUKALLUMPURATH HOUSE, P.O. MUTHUKAD,
KOYILANDY TALUK, KOZHIKODE DISTRICT.

BY ADVS.SRI.JOHNSON MANAYANI,
SRI.JEEVAN MATHEW MANAYANI.

RESPONDENT(S):

- 1. STATE OF KERALA,**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
- 2. THE RANGER,**
PERUVANNAMOOZHI FOREST RANGE,
PERUVANNAMOOZHI P.O, KOZHIKODE DISTRICT.

BY SPL. PUBLIC PROSECUTOR (FOREST) SRI.M.P. MADHAVANKUTTY.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- | | |
|---------------------|---|
| ANNEXURE A1. | COPY OF THE CERTIFICATE OF REGISTRATION OF JEEP BEARING NO.KL.57B.4425. |
| ANNEXURE A2. | COPY OF THE MAHAZAR PREPARED BY THE SECOND RESPONDENT DATED 24.09.2015. |
| ANNEXURE A3. | COPY OF THE SEIZURE REPORT PRELIMINARY PREPARED BY THE SECOND RESPONDENT. |
| ANNEXURE A4. | COPY OF THE STATEMENT MADE BY THE DRIVER OF THE VEHICLE. |
| ANNEXURE A5. | COPY OF THE ORDER OF THE JUDICIAL 1ST CLASS MAGISTRATE II PERAMBRA IN OR NO.4/2015 OF PERUVANNAMOOZHI RANGE. |

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

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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Crl.M.C. No. 6942 of 2015

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Dated this the 3rd day of November, 2015

ORDER

Heard the learned counsel for the petitioner and the learned Special Prosecutor for forest.

2. On hearing either side, this Court is of the view that if the vehicle is not released to proper custody under Section 451 Cr.P.C., it will get automatically ruined and the petitioner would be put to heavy financial loss. Moreover, it will not fetch sufficient value in confiscation proceedings also, in case such proceedings are initiated. Therefore, the vehicle has to be released to the interim custody of the petitioner till confiscation proceedings, under Section 451 Cr.P.C.

3. The court below is directed to obtain a valuation of the vehicle from the Motor Vehicles Department at the

earliest and release the vehicle expeditiously on getting such a valuation report, by imposing a condition that the petitioner shall furnish bank guarantee for such an amount, and shall execute a bond for the said amount with two solvent sureties for the like sum each to the satisfaction of the court below. The petitioner shall not dispose of the vehicle and shall produce the same before the court or other authorities as and when called upon.

With the said observation, this Crl.M.C is disposed of.

Sd/-
B.KEMAL PASHA, JUDGE

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