

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

CrI.MC.No. 6588 of 2014 ()

**(AGAINST THE ORDER IN C.M.P NO.5303/2014 DATED 7-11-2014 OF JUDICIAL IST
CLASS MAGISTRATE -I, ATTINGAL)**

PETITIONER

**FERI ANTONY, AGED 31 YEARS
S/O.ANTONY, VADAKKATHIL VEEDU, MANNAMKULAM
ACHUTHENGU, CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT:

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
ATTINGAL POLICE STATION
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

R BY PUBLIC PROSECUTOR SMT S.HYMA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 19-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CrI.MC.No. 6588 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A . FREE COPY OF THE ORDER DATED 7/11/2014 IN CMP NO.5303/2014 OF
THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.**

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

P.A TO JUDGE

SMM

K.RAMAKRISHNAN,J.

.....
Crl.M.C.No.6588 of 2014
.....

Dated this the 19th day of January,2015.

O R D E R

This is an application filed by the petitioner challenging the order of the Judicial Ist Class Magistrate Court-I, Attingal in CMP No.5303/2014 in Crime No.1018/13 of Attingal Police Station dated 7-11-2014 under Section 482 of Code of Criminal Procedure (hereinafter called 'the Code').

2. It is alleged in the petition that the petitioner is the registered owner of the vehicle KL-16-G-9544 Mahindra pick-up van which was seized by the Police for alleging violation of Prevention of Essential Commodities Act and Kerala Kerosene Control Order and he filed application for interim custody and the petition was dismissed by the court below which was challenged by filing this petition. It is mentioned in the statement filed by the Sub Inspector of Police, Attingal that the District Collector has already

passed an order of interim custody in respect of this vehicle in the confiscation proceedings pending before him under the Essential Commodities Act with same condition as early as on 1-2-2014. When this was pointed out, the Counsel for the petitioner sought permission of this Court to withdraw this petition with liberty to proceed with the enforcement of the order passed by the District Collector.

3. Permission is granted and the petition is dismissed as withdrawn with the above liberty. If the petitioner approaches the District Collector to implement the order said to have been passed granting interim custody as per order dated 1-2-2014 as mentioned by the Sub Inspector of Police, Attingal Police station in his report before the Court. Then the District Collector is directed to expedite the matter at the earliest.

Office is directed to communicate this order to the concerned court as well as the District Collector, Trivandrum.

K.RAMAKRISHNAN, JUDGE.

