

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Crl.MC.No. 6754 of 2014 ()

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CMP 1293/2014 of D.C. & SESIONS & MACT, KALPETTA
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PETITIONER:

**SREEJITH A.R., AGED 35 YEARS
S/O RAVEENDRAN, AANASSERIYIL HOUSE, PULPALLY P.O.
SULTHAN BATHERY TALUK, WAYANAD DISTRICT.**

BY ADV. SRI.SAJIV.C.K.

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, COCHIN-682031.**
- 2. SUB INSPECTOR RPF POLICE
PULPALLY POLICE STATION, WAYANAD DISTRICT.**

BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A1: TRUE COPY OF THE SALE AGREEMENT DATED 19.7.2012.

**ANNEXURE A2: TRUE COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE
BEAARING NO.KL-12-F-7559.**

**ANNEXURE A3: TRUE COPY OF THE CONTRACT CARRIAGE PERMIT IN RESPECT OF
THE VEHICLE NO.KL-12F-7559.**

**ANNEXURE A4: TRUE COPY OF THE INSURANCE CERTIFICATE IN RESPECT OF THE
VEHICLE NO.KL-12F-7559**

**ANNEXURE A5: CERTIFIED COPY OF THE ORDER DATED 6.8.2014 IN CRL.MC
NO.1293/2014 OF THE HONB'BLE SESSIONS COURT, KALPETTA,
WAYANAD.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6754 of 2014

Dated this the 27th day of November, 2015

O R D E R

The petitioner herein claims to be owner of the auto rickshaw bearing Registration No.KL-12F-7559 which is involved in a crime registered by the Pulpally Police Station, Wayanad, under Sections 376(2)(i) and 366A IPC and also under the provisions of the Protection of Children from Sexual Offences Act (POCSA Act), and the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. it is alleged that the petitioner's driver used the auto rickshaw for some illegal purpose. The said vehicle was seized during investigation. An application filed by the petitioner as CMP No.1293/2014 for interim custody of the vehicle under Section 451 Cr.P.C. was allowed on certain conditions. The petitioner is aggrieved by the second condition directing him to deposit Rs.30,000/- within two weeks. This condition is sought to be set aside under Section 482 Cr.P.C.

2. On a perusal of the impugned order, I find that such a condition is not necessary in the present circumstance where the other conditions imposed by the Court of Session will ensure

production of the vehicle as and when required. There is a direction for executing a bond for Rs.50,000/- with two solvent sureties and also a direction that the petitioner shall not hypothecate or sell or otherwise dispose of the vehicle until further orders. In such a circumstance, the direction to make cash deposit is not necessary. Paragraph 3 of the impugned order shows that the police have no objection in releasing the vehicle under Section 451 Cr.P.C.

In the result, this petition is allowed. The condition No.2 imposed by the court below as per order in CMP No.1293/2014 dated 06.08.2014 directing the petitioner to make cash deposit will stand set aside.

Sd/-
P. UBAID, JUDGE

sd

// True Copy // P.A. to Judge