

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

Cr1.Rev.Pet.No. 534 of 2015 ()

AGAINST COMMON ORDER IN CMP NO.989/15 AND 1093/15 IN CRIME NO.194/15
OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM

REVISION PETITIONER/CLAIM PETITIONER IN MP NO 989/2015:

M/S.DHANLAXMI BANK LIMITED
REGIONAL OFFICE, DHANLAXMI BUILDING,
FIRST FLOOR, POOMKUNNAM, THRISSUR 680002
REPRESENTED BY THE ASSISTANT GENERAL MANAGER
& AUTHORISED OFFICER
REGIONAL OFFICE, ERNAKULAM 682031
GAMAL M, AGED 57 YEARS
S/O. K.V.K.MOOSA

BY ADVS.M/S.VARGHESE & JACOB
SRI.P.JACOB VARGHESE (SR.)
SRI.VIVEK VARGHESE P.J., SC, DHANLAXMI BANK

RESPONDENTS/COUNTER PETITIONER IN CMP 989/2015:

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1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
KADAVANTHARA POLICE STATION, KADAVANTHRA
KOCHI-682020 REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031
 2. SRIKUMAR K.J
S/O. JANARDHANAN, KURUVATH HOUSE, MUPLIYAM POST
THRISSUR 680312

R2 BY ADV. SRI.THOMAS J.ANAKKALLUNKAL
R1 BY PUBLIC PROSECUTOR SRI. R.GITESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 11-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE A : COPY OF THE AGREEMENT FOR VEHICLE LOAN DATED 05.04.2013
BETWEEN PETITIONER AND 2ND RESPONDENT.
- ANNEXURE B : COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE
KL-45-J-8888.
- ANNEXURE C : COPY OF DEMAND NOTICE NO.RO/TCR/16/2014-15
DT.21.07.2014 ISSUED BY THE PETITIONER TO
THE 2ND RESPONDENT.
- ANNEXURE D : COPY OF THE PETITION CMP.NO.1387/15 BEFORE THE CHIEF
JUDICIAL MAGISTRATE COURT, ERNAKULAM.
- ANNEXURE E : COPY OF THE PETITION CMP NO.989/2015 FILED BEFORE
CHIEF JUDICIAL MAGISTRATE KADAVANTHRA POLICE STATION.
- ANNEXURE F : CERTIFIED COPY OF THE COMMON ORDER DATED 22.04.2015 IN
CMP.NO.989/2015 AND CMP.NO.1093/2015 OF CHIEF JUDICIAL
MAGISTRATE ERNAKULAM

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A.TO JUDGE

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B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.534 of 2015

Dated this the 11th day of September, 2015

ORDER

When this matter has been taken up, the learned counsel for the revision petitioner has prayed for granting permission to withdraw this revision petition as it is not maintainable.

2. Heard both sides.

3. In this revision petition, the petitioner challenges the order passed by the court below under Section 451 Cr.P.C releasing the vehicle to the interim custody of the 2nd respondent. The said order is purely an inter locutory order. Therefore, there is bar under Section 397 (2) Cr.P.C in entertaining this revision petition. In the said circumstances, this revision petition stands dismissed as not maintainable. However, it is directed that the vehicle involved in this revision petition shall not be released for 10 days from today to enable the revision petitioner to seek appropriate remedy available under law.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

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