

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.Rev.Pet.No. 1059 of 2014 ()

**-----
(CMP.NO.1943(A)/2014 IN CC.NO. 235/2012 OF CHIEF JUDICIAL MAGISTRATE
COURT, KOLLAM DATED 16/04/2014)
-----**

REVISION PETITIONER/PETITIONER:

**-----
SUDEEP, S/O. VIJAYAKUMARAN PILLAI,
DEVANGANA, VIDHYA NAGAR- 25A,
KOTTAMUKKU, KOTTAIKKAKAM WARD,
KOLLAM DISTRICT.**

**BY ADVS.SRI.V.PHILIP MATHEW
SRI.GIBI.C.GEORGE**

RESPONDENT/STATE:

**-----
STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. S.HYMA

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

P. UBAID, J.

Crl.R.P.No.1059 of 2014

Dated this the 26th day of March, 2015

O R D E R

The petitioner herein is the 4th accused in C.C.No.235/2012 of the Chief Judicial Magistrate, Kollam. Pending the proceeding he filed application before the trial court under Section 451 Cr.P.C. for interim custody of the vehicle seized by the police, during investigation. The learned Magistrate allowed the said application on 24.01.2012. Later, the petitioner brought another application as CMP No.1943(A)/2014 for permission to sell the vehicle. The learned Magistrate declined the said request. The said order dated 16.04.2014 is under challenge in this revision. No doubt, the order under challenge is an interim order. Against such an order a revision will not lie under Section 397 Cr.P.C. Sustainability of the prosecution is under challenge in Crl.M.C.No.3090/2014 brought by the petitioner herein. I find that this Crl.R.P. cannot proceed because it is not maintainable under the law. What is under challenge is not a final order but an interim order having no final force. It is well settled that such

orders will not be amenable to revisional jurisdiction.

In the result, this Crl.R.P. is dismissed as not maintainable.

Sd/-

P. UBAID, JUDGE

sd