

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

OP(Crl.).No. 26 of 2015 (Q)

CMP 12625/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, NEDUMANGAD
=====

PETITIONER:

**HERCULES AUTOMOBILES INT'L (P) LIMITED
(AUTHORISED MARUTI DEALER)
SHOWROOM AT TC 1845(7), SHREE DHANYA CASTLE
NEAR KAWDIAR, THIRUVANANTHAPURAM
REPRESENTED BY ITS EXECUTIVE
DIRECTOR A.M SALIM**

**BY ADVS.SRI.PREMJIT NAGENDRAN
SRI.R.CHANDRA MOHAN**

RESPONDENT:

**SUB INSPECTOR OF POLICE
VALIAMALA POLICE STATION
THIRUVANANTHAPURAM 695 005**

BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 04-02-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE TRADE CERTIFICATE NO KL-01-TC-9-2007 DATED
9-05-2007**
- EXHIBIT P2 TRUE COPY OF THE CERTIFICATE OF INSURANCE WITH RESPECT TO
TRADE CERTIFICATE NO KL-01-TC-9-2007**
- EXHIBIT P3 TRUE COPY OF THE ORDER IN CMP NO 12625/14 IN ST 3808/14 (CRIME
NO 502/14 OF THE VALIAMALA POLICE STATION) PASSED BY THE
JUDICIAL FIRST CLASS MAGISTRATE-I,NEDUMANGAD**
- EXHIBIT P4 TRUE COPY OF THE CERTIFICATE WITH RESPECT TO TRADE
CERTIFICATE NO KL-01-TC-9-2007**

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

O.P.(CrI)No.26 of 2015

Dated this the 4th day of February, 2015

JUDGMENT

A vehicle belongs to the petitioner was seized by the police in a motor accident case. Interim custody of the vehicle was granted by the learned Judicial First Class Magistrate Court-I, Nedumangad under Section 451 Cr.P.C. to the petitioner, on certain conditions. The petitioner is aggrieved by the objectionable conditions, and those are sought to be set aside under Article 227 of the Constitution of India. One of the conditions is that the petitioner shall obtain a valid insurance policy and furnish it before the court within 20 days, and the other condition is that the vehicle shall not be transferred or subjected to any material alteration during the pendency of the case. It is not known why such conditions were imposed by the court. This is not a case involving theft or other offence. It is just an accident case, where there is no necessity of imposing such conditions. It is submitted that the vehicle is already covered by a valid insurance policy. Exts.P2 and P4 certificates from the National Insurance Company will show that the vehicle is covered by a

policy. In the above circumstance, I find the necessity of interference in the conditions imposed by the learned Magistrate. I feel that the direction to execute bond will suffice.

In the result, this petition is allowed. The conditions imposed by the court below as per order dated 30.12.2014 in CMP 12625/2014 are hereby set aside.

Sd/-

P. UBAID, JUDGE

sd