

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

OP(Cr1.).No. 30 of 2015 (Q)

IN CRL.M.P NO. 466/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -I, MANJERI

PETITIONERS:

UMMER V.P, AGED 28 YEARS,
S/O.ABOOBACKER, VELLARAMPARA HOUSE,
P.O.PANNIPARA (VIA), EDAVANNA,
MALAPPURAM DISTRICT,
PIN - 676 541.

BY ADVS.SRI.K.J.MOHAMMED ANZAR
SRI.A.D.SURESH BABU

RESPONDENTS:

1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, PIN - 682 031.
2. THE DISTRICT COLLECTOR,
MALAPPURAM, CIVIL STATION, MALAPPURAM,
PIN - 676 505.
3. EDAVANNA GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, GRAMA PANCHAYATH OFFICE,
EDAVANNA, MALAPPURAM DISTRICT, PIN - 676 541.
4. THE SUB INSPECTOR OF POLICE,
EDAVANNA POLICE STATION, EDAVANNA, MALAPPURAM DISTRICT
PIN - 676 541.

BY GOVERNMENT PLEADER SMT.S.HYMA

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(Cr1.).No. 30 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P-1: COPY OF THE R.C. PARTICULARS OF THE PETITIONER OF HIS VEHICLE BEARING REG.NO.KL 13/N7026

EXT.P-2: COPY OF THE FIR IN CRIME NO.37/2015 OF EDAVANNA POLICE STATION.

EXT.P-3: COPY OF THE SEIZURE MAHAZAR DATED 12.1.2015 PREPARED BY THE SUB INSPECTOR OF POLICE, EDAVANNA.

EXT.P-4: COPY OF THE PASS ISSUED BY THE DISTRICT COLLECTOR FOR TRANSPORTING RIVER SAND ON 12.1.2015 IN THE VEHICLE OF THE PETITIONER

EXT.P-5: COPY OF THE RELEVANT PAGES OF THE REGISTER MAINTAINED IN THE OFFICE OF THE EDAVANNA GRAMA PANCHAYATH.

EXT.P-6: COPY OF THE JUDGEMENT DATED 31.10.2013 IN WPC NO.26046/2013 OF THE HON'BLE HIGH COURT OF KERALA.

EXT.P-7: COPY OF THE CRL.M.P NO.466/2015 DATED 20.1.2015 FILED BY THE PETITIONER BEFORE JFCM COURT, MANJERI IN CRIME NO.37/2015 IN EDAVANNA POLICE STATION.

RESPONDENTS' EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

O.P(Crl) No.30 of 2015

Dated this the 27th day of February, 2015

J U D G M E N T

The petitioner's grievance is concerning seizure of his vehicle in a crime registered under the Kerala Protection of River Bank and Regulation of Removal of Sand Act, and also under Section 379 of the Indian Penal Code. The prayer herein is to declare that the alleged seizure is improper and illegal. An application filed by him for interim custody of the vehicle was pending before the learned Magistrate having jurisdiction when the petitioner brought this petition. Pending the proceedings, the learned counsel submitted that practically the grievance of the petitioner is that the court below has kept the application for custody of the vehicle pending without passing any orders, and that he will be satisfied if decision is taken on the said application. Now it is submitted that the learned Magistrate has disposed of his application, granting interim custody of the vehicle to the petitioner on the certain conditions. It is also submitted that some of the conditions are objectionable. Of course, the petitioner will have to file a proper proceeding if he

is aggrieved by the conditions imposed by the learned Magistrate. In the present circumstances where the grievance of the petitioner stands redressed practically by disposal of his application for interim custody of the vehicle, this original petition can be closed.

In the result, this Original Petition is closed.

**P.UBAID
JUDGE**

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