

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

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

WP(C).No. 2441 of 2015 (E)

PETITIONER :

**AHAMMED KABEER, AGED 32 YEARS,
S/O.MOIDUTTY, KIZHANGUM MUNDAYIL HOUSE,
EZHUVANTHALA P.O., OTTAPALAM TALUK,
PALAKKAD DISTRICT (OWNER OF AN EXCAVATOR
JCB BEARING REGISTRATION NO.KL-54-A-2236)**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT :

**THE SUB INSPECTOR OF POLICE
CHERUPPULLASSERY POLICE STATION, PALAKKAD, PIN-672303**

BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

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

bp

WP(C).No. 2441 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT P1: TRUE COPY OF THE NEWS ITEM PUBLISHED IN MALAYALA
MANORAMA DAILY DATED 03.01.2015.

EXT P2: TRUE COPY OF THE NEWS ITEM PUBLISHED IN MATHRUBHUMI DAILY
DATED 03.01.2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.2441 OF 2015
.....

Dated this the 4th February, 2015

J U D G M E N T

Seizure of the JCB absolutely without any rhyme or reason, is under challenge in this writ petition, stating that it was a high handed activity.

2. The learned Counsel for the petitioner points out that the petitioner and his brothers were arrayed as accused in Crime No.4 of 2015 of Cherppulassery Police Station for some non-bailable offence and that the petitioner and other accused have already moved this Court for anticipatory bail, which is pending. It is only as a measure of pressure tactics that the vehicle belonging to the petitioner has been taken to the custody.

3. The learned Government Pleader points out that the JCB is having some involvement with the crime. The said vehicle was used unauthorisedly for excavating and loading ordinary earth into a lorry bearing No. KL.22/B-5400. The said lorry was proceeding along the road, without any number plate either in the front or back or in the rear side, which was sought to be stopped by the police. The vehicle was not stopped there and proceeded fast, which made the police to chase the lorry. At a

particular point, the lorry was left on the road on an incline and the driver jumped out and ran away. The vehicle rolled back and came and hit against the front side of the police jeep , causing some damage to the government property. It is stated that the lorry and the JCB were taken to the custody with reference to the said crime. A report has also been prepared and filed before the Magistrate's Court, at Ottappalam. Both the vehicles have been produced before the JFCM Court and that steps have been taken to complete the investigation and to file a charge sheet under Section 173 of the Cr.P.C., which will be done at the earliest.

4. In the above circumstance, the petitioner is set at liberty to move the concerned Magistrate's Court by filing appropriate proceedings to have interim custody, subject to appropriate terms to be fixed by the Magistrate's Court.

The writ petition stands disposed of.

P.R.RAMACHANDRA MENON
JUDGE