

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 4355 of 2015 (T)

PETITIONERS:

- 1. P. SHANMUGHAM, S/O. PARAMANI,
AGED 50 YEARS, 2/186, KAMALAPURAM VILLAGE,
GOUNDANNOOR P.O., POCHAMPALLY,
KRISHNAGIRI DISTRICT, TAMIL NADU.**
- 2. P. RAJA, S/O. PERIYANNAN, 45,
ANNA NAGAR, MATHUR P.O., POCHAMPALLY,
KRISHNAGIRI DISTRICT, TAMIL NADU.**

**BY ADVS.SRI.BABU S. NAIR,
SMT.SMITHA BABU.**

RESPONDENTS:

- 1. THE DISTRICT POLICE CHIEF,
PALAKKAD, PIN-678 001.**
- 2. THE SUB INSPECTOR OF POLICE,
AGALI POLICE STATION,
PALAKKAD DISTRICT-678 581.**

BY SR. GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 4355 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1- TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY
THE 2ND RESPONDENT DATED 04-02-2015 IN RESPECT
OF VEHICLE NOS. TN-32L/6369.**

**EXHIBIT P2- TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY
THE 2ND RESPONDENT DATED 04-02-2015 IN RESPECT
OF VEHICLE NO. TN-29AF/966.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4355 of 2015

Dated this the 18th day of February, 2015

J U D G M E N T

The petitioners stated as the owners of the two excavators bearing registration Nos.TN-32L/6369 and TN-29AF/966. It is stated that the vehicles were brought to the State of Kerala in connection with some works and after completion of the same, they were being taken back to the State of Tamil Nadu. It was in the course of such return, that the vehicles were intercepted by the 2nd respondent as per Exts.P1 and P2 mahazars prepared on 04.02.2015, alleging offences amounting to Section 279 of the IPC and also for violation of Section 39 of the Motor Vehicles Act 1988. The learned counsel for the petitioners points out that, no such offence has ever been committed by the petitioners under any circumstances and immediately on the signal of the concerned Police Officer, the vehicles were stopped. However, without any regard to the actual facts and figures, the vehicles were taken to the Police Station and hence the writ petition.

2. Heard the learned Government Pleader as well.

3. Considering the facts and circumstances, there will be a direction to the 2nd respondent to release the vehicles on satisfying a sum of Rs.5,000/- (Rupees five thousand only) in respect of each vehicle with reference to the offence under Section 39 read with Section 192 of the Motor Vehicles Act 1988 and on giving an undertaking in the form of an affidavit by the petitioners and also by the concerned Drivers to appear before the 2nd respondent as and when required in connection with the prosecution proceedings. It is for the 2nd respondent to proceed with further steps for prosecuting the accused in connection with the offence under Section 279 of the IPC.

The writ petition stands disposed of. The petitioners shall produce a copy this judgment along with a copy of the writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn