

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1596 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner to set aside the order, dated 12.11.2018, passed in Crl.M.P.No.472 of 2018 in Crime No.230 of 2018 on the file of II Additional Judicial Magistrate of First Class, Mancheri, and direct the police Mancheri to release the seized property in the aforesaid crime.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-State. Perused the record.

3. In the course of submissions, it is brought to the notice of this Court that the subject crime registered against the petitioner was quashed by this Court vide order, dated 11.10.2018, in Crl.P.No.10875 of 2018 basing on the common order of this Court, dated 27.08.2018, in Crl.P.No.3731 of 2018 and batch. When the petitioner has filed an application under Section 457 Cr.P.C., before the Court below for return of the property i.e., tobacco articles seized in the subject crime, the Court below imposed a condition that the petitioner shall execute a bond for Rs.7,30,000/- with one surety.

4. It has been contended on behalf of the petitioner that when the proceedings in the subject crime are quashed against

the petitioner, the petitioner is entitled for return of the property without furnishing any surety.

5. It is pertinent to state that the Court below while passing the impugned order, left it open to the appropriate authority to proceed in accordance with law.

6. Under these circumstances, when the criminal case is quashed against this petitioner, it is not appropriate to ask for a surety. Therefore, the seized tobacco articles are ordered to be released in favour of the petitioner on his executing a personal bond for Rs.7,30,000/- (Rupees seven lakhs thirty thousand only).

7. With this modification, the Criminal Petition is ordered.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

MARCH 29, 2019
YVL

Dr. SHAMEEM AKTHER, J

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DATE: 29.03.2019

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