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John C O vs State of Kerala

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/741/2024

Appellant : John C O

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, 1945 CRIME NO.2230/2023 OF Thrikkakara Police Station, Ernakulam CRMP 4056/2023 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD PETITIONER/ ACCUSED : JOHN C O., AGED 24 YEARS, S/O OUSEPH, CHERUVELIKKAKATH HOUSE, CHERTHALA, MANAPURAM P.O THAIKATTUSSERY, MANAPPURAM ED, ALAPPUZHA, CHERTHALA, PIN - 688 526 BY ADVS. P.A.MOHAMMED ASLAM SHAHIN BADUSHA MIDHUN MOHAN E.B.THAJUDDEEN REMIN RAJAN SARATH SASI ABDUL SAMAD P.B. ARTHUR B. GEORGE

RESPONDENT/ COMPLAINANT : STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031 SRI. M.C. ASHI, PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

Crl.M.C.No.741 of 2024 Dated this the 29th day of February, 2024

ORDER

Petitioner seeks for release of his vehicle which was seized by the police alleging commission of offences under Sections 269 and 270 of the Indian Penal Code, 1860.

2. According to the prosecution, on 21.11.2023, the vehicle bearing Registration No.KL-58-E-4419 was found dumping waste on the side of the public road and thereby committed the offences alleged.

3. Subsequently, the petitioner filed an application for release of

his vehicle under Section 451 of Cr.P.C. on interim custody. However, the learned Magistrate after referring to the order dated 23.05.2023 in W.P.(C) No.7844 of 2023 dismissed the application.

4. I have heard Sri.Mohammed Aslam P.A., the learned counsel for the petitioner as well as Sri.M.C.Ashi, the learned Public Prosecutor.

5. Since the vehicle of the petitioner was seized on 21.11.2023 and has been in custody since then, I am of the view that the interim custody of the vehicle can be released to the petitioner on the following conditions :-

(i) Petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties and undertake to produce the vehicle before the Court as and

when required.

(ii) Petitioner shall not transfer the vehicle to any person without the permission of the court.

(iii) Petitioner shall not commit similar offences in the future and if

such offences are committed, the police will be free to approach the jurisdictional Magistrate for repossession of the vehicle and the said court will be free to pass appropriate orders for repossession even though this

order is passed by this Court.

The Crl.M.C.is allowed as above. Sd/- BECHU KURIAN THOMAS, JUDGE RKM APPENDIX OF CRL.MC 741/2024 PETITIONER'S ANNEXURES : Annexure A1 TRUE COPY OF THE FIRST INFORMATION REPORT DATED 21/11/2023 Annexure A2 TRUE COPY OF THE CERTIFICATE OF REGISTRATION DATED 03/02/2011 Annexure A3 TRUE COPY OF THE CERTIFICATE CUM POLICY SCHEDULE Annexure A4 TRUE COPY OF THE ORDER IN CRL.M.P NO 4056 OF 2023 DATED 11TH DAY OF DECEMBER 2023 OF JUDICIAL FIRST CLASS MAGISTRATE COURT KAKKANAD Annexure A5 TRUE COPY OF THE PERMIT IN RESPECT OF GOODS PERMIT DATED 17TH JUNE 2023

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