

Arshad K vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-30-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/4428/2024

Appellant : Arshad K

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS TUESDAY, THE 30TH DAY OF JULY 2024 / 8TH SRAVANA, 1946 CRL.MC NO. 4428 OF 2024 CRIME NO.1234/2023 OF TIRUR POLICE STATION, MALAPPURAM AGAINST THE ORDER IN CC NO.3311 OF 2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,TIRUR PETITIONER/ACCUSED: ARSHAD K AGED 30 YEARS SON OF MOYDU, KUNDINIYIL, VALANCHERRY P.O., TIRUR TALUK, MALAPPURAM DISTRICT, PIN - 676552.

BY ADVS. P.M.ZIRAJ IRFAN ZIRAJ RESPONDENTS/COMPLAINANT:
1 STATE OF KERALA REP. BY PUBLIC PROSECUTOR, HIGH COURT

OF KERALA AT ERNAKULAM, PIN - 682031. 2 THE INSPECTOR OF POLICE TIRUR POLICE STATION, MALAPPURAM-PIN - 676101. BY ADV SMT. NIMA JACOB (PP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- CRL.MC.No.4428 of 2024
----- Dated this the 30th day of July,
2024

ORDER

Petitioners Jeep bearing registration No. KL-C-7772 was seized by the police in connection with Crime No.1234 of 2023 of Tirur Police Station. Pursuant to an application filed under Section 457 of the Cr.P.C., interim custody of the vehicle was granted to the petitioner on conditions. Petitioner is aggrieved by the conditions imposed in the order, since, according to him, the vehicle should have been released unconditionally.

2. Sri. P.M. Ziraj, the learned counsel for the petitioner,

contended that the FIR does not indicate the involvement of the petitioner's vehicle in the crime, and therefore, there was no reason to have seized the vehicle. The learned counsel also referred to the

order of the learned Magistrate, wherein it is observed that no report

has been filed by the prosecution to show that the vehicle is involved in the commission of any of the offences.

3. Sri. Nima Jacob, the learned public prosecutor, on the

other hand, would contend that the vehicle bearing registration No. KL-C-7772 was used to escape from the place after abandoning the vehicle carrying river sand. It was also submitted that the petitioner is involved in 13 other similar crimes.

4. On a perusal of the conditions imposed by the learned

Magistrate, I do not find any reason for the petitioner to be seriously aggrieved. It is true that the prosecution has not shown the involvement of the vehicle in the crime alleged. However, the vehicle was seized since it was used to escape from the scene of the crime. In such circumstances, the minimal conditions imposed by the learned Magistrate cannot be stated to be prejudicial to the petitioner. Therefore, I do not find any merit in this CrI.M.C. and it is dismissed. Sd/- BECHU KURIAN THOMAS JUDGE HKH/30.07.2024 APPENDIX OF CRL.MC 4428/2024 PETITIONER ANNEXURES ANNEXURE 1 TRUE COPY OF THE FIRST INFORMATION REPORT

SUBMITTED BY THE SECOND RESPONDENT IN CRIME NO.1234 OF 2023 OF TIRUR POLICE STATION, MALAPPURAM DISTRICT

ANNEXURE 2 TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT DATED 17.11.2023 IN B.A.NO.9335 OF ANNEXURE 3 TRUE COPY OF THE INTERIM ORDER DATED 19.2.2024 IN WPC NO.4076/2024 ANNEXURE 4 TRUE COPY OF THE JUDGMENT DATED 6.3.2024 IN WPC NO.4076/2024 ANNEXURE 5 CERTIFIED COPY OF THE ORDER DATED 6.3.2024 IN C.M.P.NO.647 OF 2024 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, TIRUR

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