

Vijayan.M vs State of Kerala

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Court : Kerala Orders

Decided On : Aug-06-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/5703/2024

Appellant : Vijayan.M

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946 CRIME NO.1555/2023 OF Kattakada Police Station, AGAINST THE ORDER DATED 08.01.2024 IN CMP NO.6505 OF 2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS, KATTAKADA PETITIONER/ PETITIONER : VIJAYAN.M AGED 57 YEARS S/O CHELLAMMA, ILLAKKODE DESOM, V.J BHAVAN, VEERANAKAVU.P.O, PANNIYODE, THIRUVANANTHAPURAM, PIN - 695572 BY ADV M.R.SARIN RESPONDENT/ STATE AND COUNTER PETITIONER : 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, 2 THE STATION HOUSE

OFFICER KATTAKADA POLICE STATION REPRESENTED THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, BY SRI. ASHI M.C., PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06.08.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

--==--==--==--==--==--==--==--== Crl.M.C.No.5703 of 2024 --==--==--==--==--==--

--==-- Dated this the 6th day of August, 2024

ORDER

Petitioner is the accused in Crime No.1555 of 2023 of Kattakada Police Station, Thiruvananthapuram. The offences alleged against the petitioner are under Sections 279, 337 and 338 of the Indian Penal Code, 1860 apart from Section 146 r/w Section 196 of the Motor Vehicles Act,

1988. The vehicle bearing Registration No. KL-74-7989 involved in the above crime was seized. Subsequently, petitioner filed an application for

release of the vehicle on interim custody. On noticing that the vehicle does not have a valid insurance at the time of incident, after obtaining the report of the Assistant Motor Vehicle Inspector, the learned Magistrate imposed condition in the nature of furnishing of a cash security of Rs.75,000/- while directing release of the vehicle. Petitioner is aggrieved by the aforesaid condition.

2. Having heard the learned counsel for the petitioner as well as the learned Public Prosecutor, I am of the view that the condition imposed by the learned Magistrate does not warrant any interference.

3. Rule 391A of the Kerala Motor Vehicle Rules, 1989 prescribes

that when a vehicle is not covered with a valid insurance at the time of the accident, the court shall, before releasing the vehicle impose conditions in the

nature of furnishing cash security to satisfy the possible claim for compensation.

4. Having regard to the circumstances that the petitioner's vehicle is not in possession of any valid insurance policy, I find no reason

to interfere with the condition imposed. Though the petitioner vehemently pleaded that the quantum of the cash security directed must be reduced, I find that the quantum has been fixed, based on the valuation obtained through the Assistant Motor Vehicle Inspector. In such circumstances, there is no merit in this CrI.M.C. and it is dismissed. Sd/- BECHU KURIAN THOMAS, JUDGE RKM APPENDIX OF CRL.MC 5703/2024 PETITIONER'S ANNEXURES :

Annexure A1

THE TRUE COPY OF THE F.I.R IN CRIME NOAnnexur

8.01.2024

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