

Bastin K.S. vs Excise Inspector

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Court : Kerala Orders

Decided On : Jun-01-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Crl.MC/1091/2016

Appellant : Bastin K.S.

Respondent : Excise Inspector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
THURSDAY, THE 1ST DAY OF JUNE 2023 / 11TH JYAISHTA, 1945
CRL.MC NO. 1091 OF 2016 AGAINST THE ORDER/JUDGMENTCRMP
2240/2015 OF JUDL. FIRST CLASS MAGISTRATE COURT, III, NORTH
PARAVUR (TEMPORARY) PETITIONER/ACCUSED: BASTIN K.S.
S/O.SEBASTIAN, KALATHIPARAMBIL HOUSE,
NEERIKKODE,ALANGAD P.O., ALUVA, ERNAKULAM DISTRICT. BY
ADV SRI.T.P.SANTHOSHKUMAR RESPONDENTS/COMPLAINANT: 1
EXCISE INSPECTOR EXCISE RANGE OFFICE, VARAPUZHA,
ERNAKULAM. 2 THE STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031.

OTHER PRESENT: ADV SEETHA S-SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.06.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This Crl.M.C is filed challenging Annexure-A4 order passed

by the Judicial Magistrate of First Class-III, North Paravur by which the application submitted by the petitioner under Section 451 of Cr.P.C to release the vehicle bearing registration No. KL- 41 J 9923 was dismissed. The seizure of the vehicle was in connection with the Crime No. 4/2015 of the Excise Range Office, Varappuzha.

2. Today when the matter came up for consideration, the learned Public Prosecutor upon instructions submitted that, the criminal proceeding in Crime No.4/2015 is no longer pending as the petitioner/accused pleaded guilty on 28.02.2023. Thereupon he was sentenced to pay a fine of Rs.10,000/- In view of the fact that, the main proceedings is already over, there is no scope for an order under Section 451 of Cr.P.C. If at all the vehicle which is the subject matter of Annexure A4

order is not released, it shall be open for the petitioner to invoke

the appropriate remedies in view of the fact that the proceedings in the prosecution is already completed. It is further clarified that, nothing in this order would preclude the authorities concerned from initiating or continuing the confiscation proceedings, if any, of the vehicle. Sd/- ZIYAD RAHMAN A.A. JUDGE
rpk APPENDIX OF CRL.MC 1091/2016 PETITIONER ANNEXURES

ANNEXURE-1: TRUE COPY OF THE CRIME AND OCCURRENCE REPORT IN CRIME NO.4/2015. ANNEXURE-2: TRUE COPY OF THE REMAND REPORT IN CRIME NO.4/2015. ANNEXURE-3: TRUE COPY OF THE CMP NO.4/2015 BEFORE THE JFCM COURT-III, NORTH PARAVUR. ANNEXURE-4: TRUE COPY OF THE ORDER DATED 09.11.2015 IN CMP.NO.4/2015.

