

Safiya vs State of Kerala

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Court : Kerala

Decided On : Oct-31-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(Crl.)/696/2023

Appellant : Safiya

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA,
1945 WP(CRL.) NO. 696 OF 2023 CRIME NO.397/2022 OF Kakkur
Police Station, Kozhikode AGAINST THE ORDER/JUDGMENT CRMP
618/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS -
III,KOZHIKODE PETITIONER/S: SAFIYA AGED 55 YEARS D/O.
MUHAMMED, CHAKKOLI HOUSE, UNNIKULAM POST, BALUSSERY
VIA, THAMARASSERY TALUK, KOZHIKODE, PIN - 673574 BY ADV
S.K.SAJU RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 THE
CHAIRMAN DRUG DISPOSAL COMMITTEE, VATAKARA, OFFICE OF
THE SUPERINTENDENT OF POLICE VATAKARA, KOZHIKODE
DISTRICT, PIN - 673101 3 STATION HOUSE OFFICER KAKKUR
POLICE STATION, KOZHIKODE DISTRICT, PIN - OTHER PRESENT:
SRI RENJITH TR,PP THIS WRIT PETITION (CRIMINAL) HAVING
COME UP FOR ADMISSION ON 31.10.2023, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING: -2-

P.V.KUNHIKRISHNAN, J.

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Dated this the 31st day of October, 2023

JUDGMENT

The above writ petition (Crl.) is filed with following prayers: I. Issue any writ order or direction directing the respondent No.3 to release the vehicle of the petitioner bearing Reg. No. KL-76-B 2108 on such terms and conditions as this Honble court may deem fit and proper to impose. II. Dispense with the filing of translation of vernacular documents. III. To issue any other order or direction that may secure the ends of justice. (sic)

2. The petitioner is aggrieved by an order passed by the learned Magistrate dismissing an application filed by the petitioner

under Section 457 Cr.P.C. as evident by Ext.P7. After Ext.P7 order

passed passed under Section 457 Cr.P.C on 23.06.2023, the accused in the case appeared before the court below and pleaded guilty. Accordingly, the learned Magistrate convicted and sentenced the accused on 26.06.2023 as evident by Ext.P6 daily status of the Judicial First Class Magistrate Court-III, Kozhikode. If that be so, the -3- petitioner has to approach the jurisdictional Court with an

application under Section 452 Cr.P.C if the vehicle is produced before the Court, during the time of investigation. If such an application is filed, the jurisdictional court will consider the same, and pass appropriate orders, in accordance with law. With the above observation, this W.P.(Crl.) is disposed of. sd/- P.V.KUNHIKRISHNAN JUDGE

das -4- APPENDIX OF WP(CRL.) 696/2023

PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE BEARING REG. NO. KL-76-B 2108 Exhibit P2 A TRUE COPY OF THE LEASE DEED DATED 18.03.2022 ENTERED INTO BETWEEN THE PETITIONER AND MR. MUHAMMED HABEEB Exhibit P3 A TRUE COPY OF THE FIR ALONG WITH FIS IN DATED 17.11.2022 IN CRIME NO. Exhibit P4 TRUE COPY OF THE SEIZURE MAHAZAR DATED 17.11.2022 IN CRIME NO. 397/2022 Exhibit P5 A TRUE COPY OF THE FINAL REPORT DATED 15.02.2023 IN CRIME NO. 397/2022 Exhibit P6 A TRUE COPY OF THE PROCEEDINGS AVAILABLE IN THE E-COURT SITE IN RESPECT OF ST NO. 210/2023 Exhibit P7 A TRUE COPY OF THE ORDER IN CRL. M.P NO.618/2023 DATED 23.06.2023 PASSED BY THE LEARNED JFMC -III, KOZHIKODE

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