SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Thanveer a vs State of Kerala

Thanveer a vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1384861

Court : Kerala Orders

Decided On : Sep-07-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/5221/2021

Appellant : Thanveer a

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN THURSDAY, THE 7TH DAY OF SEPTEMBER 2023 / 16TH BHADRA, 1945 CRL.MC NO. 5221 OF 2021 PETITIONER: THANVEER. A AGED 27 YEARS S/O SAINABA, ACHUMADAKATH HOUSE, KAMBIL, KOLACHERI, KANNUR DISTRICT. BY ADVS. P.MOHAMED SABAH SAIPOOJA RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA-682031. 2 DRUG DISPOSAL COMMITTEE KANNUR DISTRICT, EXCISE DIVISION OFFICE, KANNUR REPRESENTED BY ITS CHAIRMAN DEPUTY EXCISE COMMISSIONER, KANNUR-670002. BY ADV. SRI.VIPIN NARAYAN, PP THIS CRIMINAL MISC. CASE HAVING

COME UP FOR ADMISSION ON 07.09.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

---------- ---------- Dated this the 07th day of September, 2023

ORDER

The above Criminal Miscellaneous Case is filed with the following prayers:

i. Set aside the Annexure-6 order passed by the respondent no.2 and may be pleased to direct the respondent no.2 to release the Maruti Suzuki Alto 800 car bearing registration no.KL-59-S-6637, in to the interim custody of the petitioner on whatever conditions this Hon'ble Court deems fit in the interest of justice; AND ii. Such other order or decision which this Hon'ble court may deem fit in the interest of justice and circumstances of the case.

2. The main prayer in this case is to issue a

direction to the 2nd respondent to release the vehicle bearing Registration No.KL-59-S-6637 into the interim custody of the petitioner. The 2 nd respondent is the Drugs Disposal committee, Kannur District, Excise Division office. This Crl.M.C is filed under Section 482 Cr.P.C. There can not be any direction to the 2nd respondent to release the vehicle invoking the powers under Section 482 Cr.P.C. If the petitioner wants any relief, the petitioner has to approach this Court by filing appropriate separate proceedings.

3. When this Crl.M.C came up for consideration,

the counsel appearing for the petitioner submitted that the petitioner relinquished the vakalath. Therefore, granting liberty to the petitioner to approach this Court again by filing appropriate proceedings in accordance with law, this Crl.M.C. is

closed. Sd/- P.V.KUNHIKRISHNAN DM JUDGE APPENDIX OF CRL.MC 5221/2021 PETITIONER ANNEXURES ANNEXURE 1 TRUE COPY OF THE REGISTRATION CERTIFICATE OF MARUTI SUZUKI ALTO 800 CAR BEARING REGISTRATION NO.KL- 59-S-6637. ANNEXURE A2 TRUE COPY OF THE ORDER DATED 9.04.2019 IN CRL R.P.NO.1440/2018 ANNEXURE 3 TRUE COPY OF THE ORDER DATED 15.11.2019 IN CRL M C NO.8393/2018 ANNEXURE 4 TRUE COPY OF THE NOTICE DATED 18.12.2019 ISSUED BY THE HON'BLE HIGH COURT OF SPECIAL JUDGE (NDPS ACT CASES) VADAKARA. ANNEXURE 5 TRUE COPY OF THE PETITION DATED 10.08.2020 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT. ANNEXURE A6 TRUE COPY OF THE ORDER DATED 24.08.2020 PASSED BY THE RESPONDENT NO.2. RESPONDENTS EXHIBITS :NIL //TRUE COPY// PA TO JUDGE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com