

**Riyas T. vs State of Kerala**

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**Court :** Kerala

**Decided On :** Apr-30-2021

**Judge :** Honourable Mr.Justice C.S.Dias

**Appeal No. :** Crl.MC/2073/2021

**Appellant :** Riyas T.

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943 Crl.MC.No.2073 OF 2021(H) AGAINST THE ORDER/JUDGMENT IN CRL.MP 2350/2021 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, VARKALA PETITIONER: RIYAS T. AGED 43 YEARS S/O.THAJUDHEEN, RIYAS VILA, UMayANALLOOR P.O., MAYANNADU VILLAGE, KOLLAM - 691 303. BY ADV. SRI.M.R.SASITH RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031. 2 THE SUB INSPECTOR OF POLICE AYIROOR POLICE STATION - 695 310. 3 GEOLOGIST, MINING AND GEOLOGY DIRECTORATE THIRUVANANTHAPURAM,

PIN - 695 004, PATTOM PALACE P.O. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**C.S.DIAS, J.**

===== Crl.M.C.No.2073 of 2021  
===== Dated this the 30th day of April,  
2021

## **ORDER**

This petition is filed to quash condition Nos.1 and 2 in the order dated 06.03.2021 in Crl.M.P. No.2350 of 2021 (Annexure A1) passed by the Court of the Judicial First Class Magistrate-I, Varkala.

2. The petitioner has stated that he is the

registered owner of a vehicle bearing Reg.No.KL-40-F- 1594, which was taken into custody by the 2nd respondent suspecting that the vehicle had illegally transported earth. The petitioner had filed a petition seeking interim custody of the vehicle. The learned Magistrate by Annexure A1

**order allowed the application, but by condition Nos.1 and**

2 directed the petitioner to produce the original documents of the vehicle and deposit an amount of Rs.25,000/- for the release of the vehicle. This Court in a

matter of similar nature by its order dated 28.07.2020 in Crl.M.C No.3429 of 2020 (Annexure A2) had modified the condition that the original documents of the vehicle had to be produced, by directing the petitioner therein to substitute the original documents with the certified copies and file an undertaking before the court that the original documents would be produced as and when required by the court. The petitioner is entitled for a similar order.

3. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents.

4. This Court by Annexure A2 order modified the

condition that the original documents of the seized vehicle have to be produced, instead directed the certified copies of the documents of the vehicle to be produced and an affidavit be executed undertaking that the original documents would be produced before the Court as and when directed.

5. In light of Annexure A2 order passed by this Court, I am of the considered opinion that the petitioner is entitled for the very same relief. In the result, this Crl.M.C is allowed by modifying

condition No.1 in Annexure A1 order. The petitioner is entitled to the interim custody of the vehicle on condition that he produces the certified copies of the documents of the above mentioned vehicle and files an affidavit undertaking to produce the original documents of the vehicle as and when directed by the court. All the other conditions in Annexure I shall remain intact.

Sd/- C.S.DIAS JUDGE mpm APPENDIX PETITIONER'S EXHIBITS: ANNEXURE A1 TRUE COPY OF THE ORDER IN CRL.MP.NO.2350/2021 IN JUDICIAL FIRST CLASS MAGISTRATE COURT-I, VARKALA. ANNEXURE A2 TRUE COPY OF THE ORDER IN CRL.MC.NO.3429/2020 OF THE HIGH COURT OF KERALA.

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