

Rakesh vs State of Kerala

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Court : Kerala

Decided On : Jul-30-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Crl.MC/3362/2021

Appellant : Rakesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
FRIDAY, THE 30TH DAY OF JULY 2021 / 8TH SRAVANA, 1943
CRL.MC NO. 3362 OF 2021 AGAINST THE ORDER/JUDGMENT IN
CMP 2060/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,
PARAVOOR, KOLLAM PETITIONER/S: RAKESH AGED 35 YEARS
S/O. RAMACHANDRAN PILLAI, RAJESH BHAVAN, THAZHAM
THEKKU, CHIRAKKARA VILLAGE, KOLLAM DISTRICT. BY ADVS.
SWAPNA VIJAYAN K.V.ANIL KUMAR RESPONDENT/S: 1 STATE OF
KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH
COURT OF EKRALA, ERNAKULAM 682 031. 2 THE STATION HOUSE
OFFICER CHATHANNOOR POLICE STATION, KOLLAM DISTRICT

691 572 THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 30.07.2021, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: CrI.MC.No.3362 OF 2021 2

ORDER

Dated this the 30th day of July 2021

The petitioner is the owner of vehicle No.KL-35 D 8554 which was produced before the Judicial First Class Magistrate Court, South Paravur and the petitioner approached the court with an application under section 457 CRPC for release of the vehicle which is a tipper lorry. The learned magistrate vide order at Annexure-B allowed the petition and imposed certain conditions. One of the condition is that the originals of the documents shall be kept in safe custody of the Court and the petitioner shall be issued true copy certified from the Court for all legal and practical purposes. The petitioner is aggrieved with condition No.7. Hence he seeks interference of this Court.

2. The vehicle is a tipper lorry and the petitioner will have to use it for the purpose of making his livelihood. Without the original documents in CrI.MC.No.3362 OF 2021 3

possession, he may not be able to carry on with his work. Therefore, I find that condition No.7 is not required and reasonable. The petition is therefore allowed. In the result, the CrI.M.C. is allowed. Condition No.7 in Annexure-B order of the learned Magistrate shall be modified to the effect that the petitioner shall obtain a certified copy and replace the original of the documents with certified copy and original documents shall be returned to him.

Sd/- ASHOK MENON JUDGE CrI.MC.No.3362 OF 2021 4 ANNEXURE OF
CRL.M.C.3362/2021 ANNEXURE-A : A TRUE COPY OF THE REGISTRATION
CERTIFICATE OF VEHICLE BEARING REG.NO.KL-35D-8554. ANNEXURE -B:

A TRUE COPY OF THE ORDER DATED 3.11.2020 IN CMP NO.2060/2020 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT(TEMPORARY), S. PARAVUR. ANNEXURE-C : A TRUE COPY OF THE ORDER DATED 25.3.2021 IN CRL.M.C. NO.1622/2021. RESPONDENTS EXHIBITS : NIL TRUE COPY P.S TO JUDGE

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