

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 3RD MARCH 2008 / 13TH PHALGUNA 1929

CrI.MC.No. 931 of 2008()

PETITIONER:

SHAMSEER P.T., S/O.SULAIMAN
KELAMMARKANDI HOUSE, RAROTH, KORANGAD
KOZHIKKODE DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

1. THE STATE OF KERALA REPRESENTED BY
THE SUB INSPECTOR OF POLICE
MANJERI POLICE STATION, -THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, KOCHI-31.
2. THE TAHSILDAR, ERNAD TALUK, MANJERI
MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 3-3-2008 , THE COURT ON 03/03/2008 PASSED THE
FOLLOWING:

V. RAMKUMAR, J
.....
Crl. M.C. No. 931 of 2008
.....
Dated: 03-03-2008

ORDER

Heard both sides.

2. In the light of the common order dated 25.02.2008 passed in Crl.M.C No. 543 of 2008 and connected cases, It is held that the learned Magistrate was not justified in refusing to entertain the petition filed under Sec. 457 Cr.P.C. The petitioner is permitted to apply again before the learned Magistrate who shall release the mini lorry in question on interim custody on the petitioner making a cash deposit for **Rs. 25,000/- (Rupees twenty five thousand only)** and executing a bond for **Rs.5,00,000/- (Rupees five lakhs only)** with two solvent sureties each for the like amount (without insisting on solvency certificate from such sureties) to the satisfaction of the Magistrate and on each of the petitioner giving an undertaking on the following terms:-

1. The petitioner shall not permit the user of the lorry for any illicit purpose .
2. The petitioner shall not transfer wholly or in part the lorry to any other person.
3. The petitioner shall produce the lorry before the Magistrate as and when directed to do so in the same condition in which it is released to him.
4. The interim custody of the lorry shall be subject to final orders, if any, to be passed for confiscation.

This M.C. is disposed of as above.

V. RAMKUMAR, JUDGE.

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**V.RAMKUMAR,
(JUDGE).**