
(2023) 03 KL CK 0263

In the High Court Of Kerala

Case No : Criminal Miscellaneous Petition No. 2421 Of 2023

Maresh Thonnath

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 27-03-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 102

Citation : (2023) 03 KL CK 0263

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : Babu S. Nair, Sreeja V.

Judgement

Bechu Kurian Thomas, J

1. Petitioners seek for a direction to the 2nd respondent to report the seizure of two vehicles to the jurisdictional Magistrate under Section 102 of Cr.PC.
2. The 1st petitioner is the registered owner of a vehicle bearing Registration No. KL-53-C-7850 while the 2nd petitioner is the registered owner of vehicle No. KL-57-C-4942. The aforesaid two vehicles were seized by the 2nd respondent on 11-2-2023 for alleged offences committed by the Mines and Minerals (Development and Regulation) Act, 1957.
3. Since the limited complaint of the petitioner is that, despite seizure having been effected alleging commission of an offence, the 2nd respondent has failed to report the matter to the Magistrate as contemplated under Section 102 of Cr.P.C.
4. The learned Public Prosecutor was directed to obtain instruction. It was submitted that the seizure has not yet been reported to the Magistrate.
5. In view of the above submission, there will be a direction to the 2nd respondent to report seizure of the vehicles No. KL-53-C-7850 & No.57-C-4942 to the jurisdictional Magistrate, forthwith, at any rate, within a period of 48 hours

from today.

6. Needless to mention, if after such reporting, any application for interim custody is filed, the same shall be considered by the Magistrate in accordance with Law.