

(2022) 06 KL CK 0277

In the High Court Of Kerala

Case No : Writ Petition (CRL.) No. 533 Of 2022

Reghu T P

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 23-06-2022

Acts Referred:

Constitution of India, 1950 — Article 226
Code of Criminal Procedure, 1973 — Section 451
Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 20(B)IIA, 29
Indian Penal Code, 1860 — Section 188, 269
Kerala Epidemic Disease Ordinance, 2020 — Section 4(2)(a), 5
Disaster Management Act, 2005 — Section 51(b)

Citation : (2022) 06 KL CK 0277

Hon'ble Judges : Mary Joseph, J

Bench : Single Bench

Advocate : T.M.Abdul Latheef, V S Sreejith

Final Decision : Partly Allowed

Judgement

Mary Joseph, J

1. This petition is filed under Article 226 of the Constitution of India seeking for the following reliefs :-

"i) To call for the records relating to Exhibits P-1 to P-4 and to issue a writ of mandamus commanding 4th respondent to pass orders in Exhibit P4 application pending before it releasing the vehicle to the petitioner who is the owner of the vehicle with No.KL 45D 8181.

ii) Any other reliefs may be granted as prayed at the time of argument and is deemed fit to be granted by this Hon'ble Court.

2. The writ petitioner is the registered owner of a Toyota Innova Car bearing registration No.KL-45-D 8181, which was purchased by the petitioner on a hire purchase scheme from Cholamandalam Finance. Copy of certificate of

registration of the vehicle is produced alongwith the petition on hand as Exhibit P1. The vehicle was seized by the police alongwith six accused in Crime No.485/2020 of Vagamon Police Station. The offences alleged are those punishable under Section 20(B)IIA, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Sections 188 and 269 of Indian Penal Code, 1860 (for short 'IPC') and Sections 5, 4(2)(a) of Kerala Epidemic Disease Ordinance, 2020 and Section 51(b) of Disaster Management Act, 2005. When the vehicle of the petitioner was seized, an application was moved under Section 451 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') before Judicial First Class Magistrate Court-I, Peermade (for short 'the court below') and it was dismissed by the court below. Thereafter, the petitioner moved a representation before the 4th respondent, copy of which is produced alongwith as Exhibit P4 but, it was not acted upon by the 4th respondent till date. In the above context, the petitioner has approached this Court seeking for a direction to the 4th respondent to consider Exhibit P4 representation and pass appropriate orders, after granting a reasonable opportunity of being heard.

In the result, this W.P.(Crl) is allowed in part. The 4th respondent is directed to consider Exhibit P4 representation of the petitioner pending on its file, after granting him reasonable opportunity of being heard on his contentions and pass appropriate orders within a period of ten days.