



2025:KER:53793

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 16TH DAY OF JULY 2025 / 25TH ASHADHA, 1947

CRL.REV.PET NO. 227 OF 2025

CRIME NO.1196/2024 OF Kollengode Police Station, Palakkad

AGAINST THE ORDER/JUDGMENT DATED 15.01.2025 IN CMP NO.23
OF 2025 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,CHITTUR

REVISION PETITIONER/S:

BIPIN PAULSON
AGED 29 YEARS
S/O PAULSON CHACKO, VALAMPARACKAL, MOTHIRAKANNY P.O,
PARIYARAM, KUTTIKKAD, MOTHIRAKANNY, THRISSUR
DISTRICT, KERALA., PIN - 680721

BY ADVS.
SHRI.AROMALUNNI M.S.
SHRI.BINU BABUKUTTAN
SMT.NIMA MERIYAM KOSHY
SHRI.ANANTHAKRISHNAN A.
SHRI.JERIN JOSE
SHRI.SREEKUTTAN M.

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031



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OTHER PRESENT:

SR PP SRI HRITHWIK C S

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 16.07.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



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P.V.KUNHIKRISHNAN, J

Crl. Review Petition No. 227 of 2025

Dated this the 16th day of July, 2025

O R D E R

This revision is filed against the order dated 15.1.2025 in CMP No. 23/2025 in Crime No. 1196/2024 of Kollengode Police Station passed by the Judicial First Class Magistrate-I, Chittur. The petitioner filed an application under Sec. 497 of BNSS for getting interim custody of a pickup van bearing regn. No. KL 64 H 5087. The same is dismissed by the learned Magistrate stating that there is prohibition to Magistrate Court from passing orders in the suo motu WP(C) No. 7844/2023 from this Court. Aggrieved by the same, this revision is filed.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. When this revision came up for consideration on 20.06.2025, this Court passed the following order :



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“The counsel for the petitioner submitted that an application of the petitioner under Section 451 Cr.P.C. is not entertained because of an order passed in a suo motu proceedings of this Court in W.P.C. No.7844/2023. The counsel also submitted that the order passed in that case is not applicable to the facts of this case.

If that is the case, I am of the considered opinion that this revision petition is to be decided along with W.P.C. No.7844/2023 so that the Bench concerned can decide the matter in accordance with law. Therefore, Registry will place the matter before the Hon'ble the Chief Justice.”

4. Now, the Hon'ble Chief Justice passed an order on administrative side to the effect that Crl.RP No. 227/2025 need not be tagged with WP(C) No. 7844/2023 and it can be heard by this Court. Hence, this revision was posted before this Court again.

5. This Court perused Annexure-A3 order. It will be better to extract the relevant portion of Annexure-A3 order.

“7. As per the order of Hon'ble High Court in suo moto WP(C) No. 7844/2023 our Hon'ble High Court has held that the first and foremost problem relates to the illegal and unauthorised dumping by bulk generators, individuals and a



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few four wheeler and two-wheelers. The illegal and unauthorised dumping by a few waste generators are causing much problem. It causes environmental degradation or becoming a breeding ground of diseases. So the seizure of the vehicles as a precautionary principle of preventing the degradation of the environment by these illegal activities is a need and it was directed that the release of the vehicle seized shall be upon due intimation to the Hon'ble High Court by the respective District Collectors. So as per the above said decision the vehicles used for illegal and unauthorised dumping of waste cannot be released on interim custody by this court and hence this petition is liable to be dismissed and I do so."

6. A perusal of the order would show that the learned Magistrate has not considered the matter on merit mainly for the reason that this Court in the suo motu WP(C) No. 7844/2023 held that the seizure of vehicle shall be upon due intimation to the High Court. This Court in the above WP(C) observed that the first and foremost problem relates to the illegal and unauthorized dumping by bulk generators, individuals and a few four wheelers and two wheelers and therefore, illegal and unauthorized dumping by waste



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generators are causing problems. This Court also observed that it causes environmental degradation. Therefore, this Court observed that the seizure of vehicle as a precautionary principle preventing the degradation of environment by illegal activities is a need. Hence, this Court observed that the release of seized vehicles shall be upon due intimation to this Court by the District Collectors. This Court has not prohibited the Magistrates concerned in releasing the vehicle in accordance with law, invoking the powers under Sec. 497 BNSS. The Magistrate is free to pass appropriate orders in accordance with law, if an application under Sec. 497 BNSS is filed. Therefore, the impugned order can be set aside and there can be a direction to the learned Magistrate to reconsider the matter on merit, in accordance with law.

Therefore, this revision is allowed in the following manner :

- 1) The order dated 15.01.2025 in CMP No. 23/2025 of Judicial First Class Magistrate Court-I, Chittur is set aside



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and CMP No. 23/2025 is restored.

- 2) The Judicial First Class Magistrate Court-I, Chittur will pass appropriate orders in CMP No.23/2025, in accordance with law, as expeditiously as possible, at any rate, within three weeks from the date of receipt of a certified copy of this judgment.
- 3) The petitioner will appear before the jurisdictional court on 04.08.2025.

sd/-

**P.V.KUNHIKRISHNAN
JUDGE**

SKS



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APPENDIX OF CRL.REV.PET 227/2025

PETITIONER ANNEXURES

Annexure-A1	CERTIFIED COPY OF THE SCENE MAHAZER IN CRIME NO. 1196/2024 OF KOLLENGODE POLICE STATION
Annexure-A2	TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NUMBER 1196 OF 2024 OF KOLLENGODE POLICE STATION, PALAKKAD DISTRICT
Annexure-A3	FREE COPY OF THE ORDER BY JUDICIAL FIRST CLASS MAGISTRATE-I, CHITTUR, IN CMP. 23/2025 DATED ON 15/01/2025
Annexure-A4	CERTIFIED COPY OF THE SEIZURE MAHAZAR IN CRIME NO. 1196/2024 DATED ON 26.12.2024