



## THE HIGH COURT OF KERALA

Ernakulam-682031  
Email: dlsection.hc-ker@gov.in  
Phone: 0484-2562985  
Fax: 0484-2562451  
Dated: 09-04-2024

No: DI-1/35200/2021

### OFFICIAL MEMORANDUM

Sub: Vehicles seized in criminal cases – constituting District level Committees to monitor disposal of vehicles – reg.

Ref:(1) High Court OM No. DI-1/35200/2021 dated 14.01.2022

(2) High Court OM No. DI-1/35200/2021 dated 03.09.2022

(3) High Court OM No. D1-64698/1997 dated 05.10.2014

(4) High Court OM No. D3-68834/2019 dated 05.10.2019

(5) High Court letters dated 09.04.2024 addressed to the State Police Chief, the State Transport Commissioner and the State Excise Commissioner (copy enclosed).

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The High Court had issued directions to all the Chief Judicial Magistrates, vide OM cited 1<sup>st</sup> above, to consolidate the data of vehicles seized in criminal cases lying undisposed in the Magistrate Courts under them and initiate steps for their disposal. Even then, since large number of vehicles remain undisposed, the High Court vide OM cited 2<sup>nd</sup> directed all the Chief Judicial Magistrates to ascertain and report the actual reasons for non disposal of vehicles and also to suggest ways to dispose such vehicles swiftly. The High Court on analysing the reports so received from the Chief Judicial Magistrates and considering the suggestions put forth to speed up the disposal of such vehicles, resolved to constitute a District level Committee for Monitoring Disposal of Vehicles seized in criminal cases and take all necessary measures to speed up their disposal.

Therefore, the Principal District Judges are hereby directed to constitute a Committee comprising the following members in their respective districts:

p.t.o.

1. One Additional District Judge
2. The Chief Judicial Magistrate
3. A representative of the Road Transport Officer/ Motor Vehicles Department
4. A representative of the Police Department
5. A representative of the Excise Department

The objectives of the Committee shall be as follows:

1. Receive monthly statements from the Chief Judicial Magistrates on the status of disposal of vehicles seized in criminal cases in each district.
2. Ensure that the directions issued to the courts in District Judiciary vide OM No. D1-64698/1997, dated 05/10/2014 and OM No. D3-68834/2019, dated 05/10/2019 are strictly complied with.
3. Devise appropriate measures to ensure that vehicles seized in criminal cases are expeditiously disposed of without delay, so that such vehicles are disposed of when they are in usable condition itself, thereby not adding to the number of dilapidated vehicles already piled up.
4. Take steps to conduct auction of vehicles which are not in usable condition as scrap.
5. Furnish report as to the status of the vehicles disposed of, those pending disposal and the steps taken by the Committee in this regard to the High Court every six months.

The Chief Judicial Magistrates are herein informed that they shall dispense with the practice of sending monthly reports of vehicle disposal statement to the High Court as mandated vide OM cited 1st above. Instead, the reports shall hereafter be forwarded to the Committee so constituted as above.

The High Court has addressed the State Police Chief, the State Transport Commissioner and the State Excise Commissioner with respect to nominating their representatives to the District level Committee for Monitoring Disposal of Vehicles seized in criminal cases.

The Principal District Judges are also directed to inform the High Court on the status of constitution of the Committee at the earliest.

(By Order)



Jobin Sebastian  
Registrar (District Judiciary)

Encl: as above



To

The Principal District Judges  
The Chief Judicial Magistrates





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Date: **09-04-2024**

No: **DI-1 /35200/2021**

From

The Registrar (District Judiciary)

To

The State Police Chief  
Kerala State Police Headquarters,  
Vazhuthacaud.  
Thiruvananthapuram.  
PIN 695010.

Sir,

Sub.: Vehicles seized in criminal cases – constituting District level Committees to monitor disposal of vehicles – instructions issued to Principal District Judges – nominating a representative of the Police Department – reg.  
Ref.: High Court OM No. DI-1/35200/2021 dated 09/04/2024 (copy enclosed).

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Based on the judgment of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat*, (2002) 10 SCC 283 and *General Insurance Council & Others v. State of AP and Others*, (2010) 6 SCC 768, necessary directions were issued to courts in District Judiciary vide OM No. D1-64698/1997, dated 05/10/2014. All judicial officers were directed to exercise the power under Section 451 Cr.P.C expeditiously and judiciously so that the owner of the article would not suffer. The detailed procedure has also been laid down on the basis of the judgment. The courts were directed to pass orders immediately by taking bond and guarantee for the vehicle. In cases where vehicles are not claimed by anyone, it was directed that such vehicles are to be auctioned. The Insurance company can be directed by the Court to take possession of the vehicle.

Thereafter, The High Court had received a letter from Justice M R Hariharan Nair, former Judge, High Court of Kerala, pointing out that large number of vehicles are lying in Police stations for a long period of time exposed to sun and rain and are getting ruined. On considering the matter, the High Court vide OM dated 14/01/2022 directed the Chief Judicial Magistrates to furnish monthly consolidated data of the number of vehicles lying undisposed in the Magistrate Courts under them. On analysing the reports so received, it was observed that despite the directions of the Hon'ble Supreme Court and the High Court, vehicles are still lying in the custody of the courts in large numbers. The number of such vehicles are on the rise. In order to resolve the issue, the High Court instructed all the Chief Judicial Magistrates to ascertain and report about the actual reasons for non disposal of vehicles and also to suggest ways to dispose such vehicles quickly.

Based on the reports so received, the High Court vide OM cited in reference instructed the Principal District Judges to constitute a **District level Committee for Monitoring Disposal of Vehicles seized in criminal** and take all necessary measures to speed up their disposal. I am to inform you that the Committee is to comprise of the following members:

1. One Additional District Judge
2. The Chief Judicial Magistrate
3. A representative of the Road Transport Officer/ Motor Vehicles Department
4. A representative of the Police Department
5. A representative of the Excise Department

Therefore, I request you to nominate a representative of the Police Department in each district to be part of the Committee in each district and to inform the name of the representative to the Principal District Judge concerned.

Yours faithfully,



Jobin Sebastian  
Registrar (District Judiciary)

Encl: as above





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No: **DI-1 /35200/2021**

From

The Registrar (District Judiciary)

To

The State Transport Commissioner  
Transport Commissionerate,  
2nd Floor, Trans Tower, CV Raman Pillai Rd, DPI,  
Vazhuthacaud,  
Thiruvananthapuram.  
PIN 695014.

Sir,

Sub.: Vehicles seized in criminal cases – constituting District level Committees to monitor disposal of vehicles – instructions issued to Principal District Judges – nominating a representative of the Motor Vehicles Department – reg.

Ref.: High Court OM No. DI-1/35200/2021 dated 09/04/2024 (copy enclosed).

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Based on the judgment of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat*, (2002) 10 SCC 283 and *General Insurance Council & Others v. State of AP and Others*, (2010) 6 SCC 768, necessary directions were issued to courts in District Judiciary vide OM No. D1-64698/1997, dated 05/10/2014. All judicial officers were directed to exercise the power under Section 451 Cr.P.C expeditiously and judiciously so that the owner of the article would not suffer. The detailed procedure has also been laid down on the basis of the judgment. The courts were directed to pass orders immediately by taking bond and guarantee for the vehicle. In cases where vehicles are not claimed by anyone, it was directed that such vehicles are to be auctioned. The Insurance company can be directed by the Court to take possession of the vehicle.

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Based on the reports so received, the High Court vide OM cited in reference instructed the Principal District Judges to constitute a **District level Committee for Monitoring Disposal of Vehicles seized in criminal cases** to monitor disposal of vehicles and take all necessary measures to speed up their disposal. I am to inform you that the Committee is to comprise of the following members:

1. One Additional District Judge
2. The Chief Judicial Magistrate
3. A representative of the Road Transport Officer/ Motor Vehicles Department
4. A representative of the Police Department
5. A representative of the Excise Department

Therefore, I request you to nominate a representative of the Motor Vehicles Department in each district to be part of the Committee and to inform the name of the representative to the Principal District Judge concerned.

I may also inform you that many of the Judicial Officers have reported an issue with regard to the high valuation of vehicles fixed by the Motor Vehicles Department which poses an impediment to the process of auctioning the vehicles. As the Valuation Certificate issued by the RTO is unreasonably high in most cases, no bidders turn up



to bid for the vehicle during auction. Hence, I am to request you to take necessary steps to resolve the above issue.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Jobin Sebastian', with a long horizontal flourish extending to the right.

Jobin Sebastian  
Registrar (District Judiciary)

Encl: as above

A small, dark handwritten mark or scribble, possibly initials or a signature, located below the name of the Registrar.





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No: **DI-1 /35200/2021**

From

The Registrar (District Judiciary)

To

The State Excise Commissioner  
Excise Commissionerate,  
Vikas Bhavan P.O., Nandhavanam,  
Thiruvananthapuram.  
PIN 695033.

Sir,

Sub.: Vehicles seized in criminal cases – constituting District level Committees to monitor disposal of vehicles – instructions issued to Principal District Judges – nominating a representative of the Excise Department – reg.  
Ref.: High Court OM No. DI-1/35200/2021 dated 09/04/2024 (copy enclosed).

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Based on the judgment of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat*, (2002) 10 SCC 283 and *General Insurance Council & Others v. State of AP and Others*, (2010) 6 SCC 768, necessary directions were issued to courts in District Judiciary vide OM No. D1-64698/1997, dated 05/10/2014. All judicial officers were directed to exercise the power under Section 451 Cr.P.C expeditiously and judiciously so that the owner of the article would not suffer. The detailed procedure has also been laid down on the basis of the judgment. The courts were directed to pass orders immediately by taking bond and guarantee for the vehicle. In cases where vehicles are not claimed by anyone, it was directed that such vehicles are to be auctioned. The Insurance company can be directed by the Court to take possession of the vehicle.

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1. One Additional District Judge
2. The Chief Judicial Magistrate
3. A representative of the Road Transport Officer/ Motor Vehicles Department
4. A representative of the Police Department
5. A representative of the Excise Department

Therefore, I request you to nominate a representative of the Excise Department in each district to be part of the Committee and to inform the name of the representative to the Principal District Judge concerned.

Yours faithfully,



Jobin Sebastian  
Registrar (District Judiciary)

Encl: as above

