

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Cr1.MC.No. 368 of 2014 ()

CC 237/2009 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,
PATHANAMTHITTA

PETITIONER/2ND ACCUSED:

YUSUF, AGED 45 YEARS,
S/O.SAINUDEEN RAWTHER, CHAKKALA PURAYIDATHIL,
KATTUR PETTA, NARANGANAM (SOUTH) (P.O), CHERUKOL
KOZHENCHERY, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
16-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/23/12/15

Cr1.MC.No. 368 of 2014 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1: COPY OF THE FINAL REPORT IN C.C.NO.237/2009 ON
THE FILES OF JFCM COURT NO.1, PATHANAMTHITTA.

RESPONDENT'S ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/23/12/15

B.KEMAL PASHA, J.

=====

Crl.M.C. No.368 of 2014

=====

Dated this the 16th day of December, 2015

ORDER

The petitioner is the 2nd accused in C.C.No.237 of 2009 of the Judicial First Class Magistrate's Court-I, Pathanamthitta.

2. The allegation against the petitioner is that he has committed offences punishable under Sections 7(1)(a)(ii), 7(1)(b) and Section 8 read with Section 6 of the Kerala Land Utilization Act.

3. The allegation against the petitioner and the other accused is that they have excavated soil from a land for the purpose of reclaiming a paddy field.

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

5. As rightly pointed out by the learned counsel for the

petitioner, there is no Act in the name of Kerala Land Utilization Act; whereas the said legislation regarding land utilization is the Land Utilization Order. Clauses No.7(1)(a)(ii), 7(1)(b) and 8 as well as Clause 6 of Land Utilization Order are not penal provisions; whereas it is relating to some other matters. As such, no offences are there as noted in Annexure-A1 Final Report. Matters being so, there is no meaning in proceeding with the matter further and all further proceedings in C.C.No.237 of 2009 of the Judicial First Class Magistrate's Court-I, Pathanamthitta as against the petitioner herein are liable to be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings in C.C.No.237 of 2009 of the Judicial First Class Magistrate's Court-I, Pathanamthitta as against the petitioner herein are hereby quashed.

Sd/-

**B.KEMAL PASHA
JUDGE**