

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

Crl.MC.No. 2598 of 2015

PETITIONER/ACCUSED:

RAJKUMAR, AGED 28 YEARS,
S/O.RAMACHANDRAN, CHANKOOR VEEDU, PALLARIMANGALAM MURI,
THEKKEKARA VILLAGE (P.O), MAVELIKARA.

BY ADVS.SMT.ASHA ELIZABETH MATHEW
SRI.NIRMAL.V.NAIR

RESPONDENTS/COMPLAINANT & INVESTIGATING OFFICER:

1. STATE OF KERALA,
REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM- 682 031 .
2. SUB INSPECTOR OF POLICE,
POLICE STATION, KANAKAKUNNU (P.O)

BY PUBLIC PROSECUTOR SRI.ABIJITT LESSLI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2598 of 2015

APPENDIX

PETITIONER'S EXHIBITS :-

ANNEXURE A1 A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF MMV EXCAVATOR BEARING REGISTRATION NO.KL-23-E-4083.

ANNEXURE A2 A TRUE COPY OF THE COMPLAINT PREFERRED BY THE 2ND RESPONDENT UNDER SECTION 22 OF THE MINES & MINERALS (DEVELOPMENT & REGULATION) ACT.

ANNEXURE A3 A TRUE COPY OF THE JUDGMENT DATED 13/05/2014 OF THIS COURT IN CRL MC 2529/2014.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

Crl.M.C.No.2598 of 2015

Dated this the 28th day of April, 2015

ORDER

The petitioner is the registered owner of a JCB MMV Excavator bearing registration No.KL-23-E-4083, which was seized alleging transportation of gravel, which is an offence punishable under Rule 48K read with Rule 58(1) of the Kerala Minor Mineral Concession Rules. The vehicle was seized by the second respondent on 22.4.2015. According to the petitioner, though the alleged offence is a compoundable offence under Section 23A of the Mines & Minerals (Development & Regulation) Act and Rule 32 Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2015, the second respondent did not consider such request made for compounding the offence. Therefore the petitioner seeks interference of this Court.

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

3. Considering the facts and circumstances of the case, this Crl.M.C. is disposed of directing the petitioner to make an

application to compound the offence within a period of one week from today. If such an application is received by the second respondent, the said respondent shall consider and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of such application.

The Criminal M.C. is disposed of as above.

ANIL K.NARENDHAN, JUDGE

skj