IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Crl.MC.No. 3135 of 2015 ()

CRIME NO. 739/2015 OF PANDALAM POLICE STATION,PATHANAMTHITTA DISTRICT

PETITIONER(S):
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1. **JAYAKRISHNAN, AGED 32 YEARS,S/O.SREEDHARAN, PUTHENVILAYIL HOUSE, ERUMAKUZHY MURI, PALAMEL VILLAGE (P.O).**

2. **RATHEESH, AGED 28 YEARS, S/O.MANUPRASAD, MALAYUDE KIZHAKKETHIL HOUSE, ERIKKALETHU MURI, KURUMBLA VILLAGE, PANDALAM (P.O).**

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

RESPONDENT(S)/COMPLAINANT & INVESTIGATING OFFICER:
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1. **STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

2. **SUB INSPECTOR OF POLICE, POLICE STATION, PANDALAM (P.O)**

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

Crl.MC.No. 3135 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX A1 : A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF JCB EXCAVATOR BEARING REGISTRATION KL-29-A-7959.

ANNEX A2 : A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF TIPPER LORRY BEARING REGISTRATION NO.KL-31-E-4109.

ANNEX A3 : A TRUE COPY OF THE FIR IN CRIME NO.739/2015 OF PANDALAM POLICE STATION.

ANNEX A4 : A TRUE COPY OF THE JUDGMENT DATED 28-4-2015 OF THIS HON'BLE COURT IN CRL.M.C.2598/2015

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3135 of 2015

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Dated this the 2nd day of June, 2015

O R D E R

It is pointed out that the only offence alleged as against the petitioners are those under Sec.4(1) read with Sec.21 of the Mines & Minerals (Development & Regulation) Act. It is common ground that as per the provisions of Sec.23A of the Mines & Minerals (Development & Regulation) Act and Rule 32 of the Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2015, the said offences are compoundable. This Court in cases as in Anx.A-4 order has disposed of similar matters directing the competent authority concerned to consider and take necessary action on the application for compounding that may be submitted in such cases. It is submitted by the learned counsel for the petitioners that though the petitioners had submitted application for compounding in the above said offence referred to in Anx.A-3 FIR, the said application was not received by the respondent authority concerned and that direction in that regard may be granted for

consideration of such compounding application. Accordingly, it is ordered that in case the petitioners submit necessary application for compounding as permitted by the above said Act and Rules before the 2nd respondent, then the 2nd respondent shall consider such compounding application and deal with the same in accordance with law. Necessary decision on the said compounding application shall be taken by the 2nd respondent without further delay, at least within a period of ten days from the date of receipt of the compounding application. If the plea of compounding is allowed, then the 2nd respondent may impose a compounding fee of Rs. 25,000/- (rupees twenty five thousand only) on the petitioners and on remitting the said amount, the vehicle shall be released to the petitioners without further delay.

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

Sd/-

sdk+ ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge