

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS**

**MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937**

**CrI.MC.No.3145 of 2015**  
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**CMP NO.2189/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-III,  
KOZHIKODE.**

**CRIME NO.100/2015 OF KAKKUR POLICE STATION,KOZHIKODE.**

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**PETITIONER/PETITIONER:**  
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**ABDUL MAJEED,S/O.ABU,AGED 53 YEARS,  
KARUVARAKANDIYIL HOSUE,PALATH P.O.  
KAKKODI,KOZHIKODE.**

**BY ADVS.SRI.K.M.FIROZ  
SMT.M.SHAJNA  
SRI.S.KANNAN**

**RESPONDENTS/RESPONDENTS:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,ERNAKULAM-682031.**
- 2. THE SUB INSPECTOR OF POLICE,  
KAKKUR POLICE STATION,KOZHIKODE DISTRICT-679008.**

**BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 01-06-2015, ALONG WITH CRMC 3162/2015 AND 3162/2015 THE COURT  
ON THE SAME DAY PASSED THE FOLLOWING:**

**pk**

**Crl.MC.No.3145 of 2015**  
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**APPENDIX**

**PETITIONER'S ANNEXURES:**  
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**ANNEXURE A1:A TRUE COPY OF THE GOODS CARRIAGE PERMIT OF THE  
VEHICLE LGV TIPPER BEARING NO.KL11-57B 3836.**

**ANNEXURE A2:A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME  
NO.100 OF 2015 OF KAKKUR POLICE STATION.**

**ANNEXURE A3:A TRUE COPY OF THE MAHAZAR PREPARED BY THE SUB  
INSPECTOR OF POLICE, KAKKUR POLICE STATION IN CRIME  
NO.100 OF 2015 OF KAKKUR POLICE STATION.**

**ANNEXURE A4:A TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER  
AS C.M.P.NO.2189 OF 2015 BEFORE THE JUDICIAL FIRST CLASS  
MAGISTRATE COURT-III, KOZHIKODE.**

**ANNEXURE A5:A TRUE COPY OF THE ORDER DATED 19.5.2015 IN CMP NO.2189  
OF 2015 PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE  
COURT-III, KOZHIKODE.**

**RESPONDENT'S ANNEXURES:**  
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**NIL**

**//TRUE COPY//**

**P.S. TO JUDGE**

**pk**

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.3145, 3161 & 3162 Of 2015  
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Dated this the 1<sup>st</sup> day of June, 2015.

ORDER

The prayer in this Crl.M.Cs is for modification of condition (a) in Annexure-A5 order dated 19.5.2015 which direct the petitioners to deposit 30% of the value of the vehicle in court and execute bond for the remaining amount with 2 solvent sureties each for the like sum.

2. Heard Sri.K.M.Firoz, learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondents.

2. It is the common ground that the sole offence alleged against the petitioners herein are those under Sec. 4(1)(A) r/w Sec. 21 of the Mines and Minerals (Development and Regulation) Act and the Rules framed thereunder. The maximum penalty envisaged as per the above said Act for such offence is only to the tune of Rs.25,000/-. Accordingly, condition (a) in the impugned Annexure-A5 order dated 19.5.2015 shall stand modified as follows:

The petitioner shall furnish cash security for an amount of Rs.25,000/- (Rupees Twenty Five Thousand only).

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All the other conditions in the impugned Annexure-A5 order shall remain unaltered. On the petitioner complying with the condition as modified above and other conditions already mentioned, interim custody of the vehicle should be released to the petitioner. The learned counsel for the petitioner submits that the petitioner may be given liberty to initiate appropriate application for compounding of the offence.

With these observations and directions, the Crl.M.C stands finally disposed of, with liberty to the petitioner to seek any other other appropriate remedy in appropriate proceedings in accordance with law.

ALEXANDER THOMAS,  
Judge.

bkn/-