

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

Crl.MC.No. 3407 of 2015 ()

AGAINST THE ORDER IN Crl.MC.NO. 3135/2015 DATED 02-06-2015

PETITIONER :

**AJI P, AGED 28 YEARS
S/O.PEETHAMBARAN, AJI BHAVANAM
AMBALANTHIN BHAGOM P.O., KADAMBANAD, A
DOOR THALUK.**

BY ADV. SMT.ASHA ELIZABETH MATHEW

RESPONDENT(S) :

**1. SUB INSPECTOR OF POLICE
KANAKAKUNNU, ALAPPUZHA DISTRICT-688001.**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM- 682031.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 3407 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE-A1: A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF
TIPPER LORRY BEARING REG.NO.KL-26-B-1999.**

**ANNEXURE-A2: A TRUE COPY OF THE MAHAZAR PREPARED BY THE 1ST
RESPONDENT IN RESPECT OF THE SEIZURE OF THE
PETITIONER'S VEHICLE.**

**ANNEXURE-A3: A TRUE COPY OF THE JUDGMENT DATED 2/6/2015 IN
CRL.M.C.NO.3135/2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 3407 of 2015

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Dated this the 9th day of June, 2015

O R D E R

It is pointed out that the only offences alleged as against the petitioner 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 various cases 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 petitioner that though the petitioner had submitted application for compounding in the above said offence, 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 petitioner submit necessary application for compounding as permitted by the above said Act and Rules before the 1st respondent, then the 1st 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 1st 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 1st respondent may impose a compounding fee of Rs. 25,000/- (rupees twenty five thousand only) on the petitioner and on remitting the said amount, the vehicle shall be released to the petitioner without further delay.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge