

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Crl.MC.No. 3481 of 2015

CRIME NO. 586/2015 OF ERUMAPETTY POLICE STATION, THRISSUR DISTRICT

PETITIONER(S)/ACCUSED :

1. BHASI,
S/O. GOVINDAN, KUZHIPARAMBIL HOUSE, PAZHUNNANA,
CHOVANOOR, THRISSUR DISTRICT.
2. ANIL,
S/O.KRISHANAN, PARANGANATTU HOUSE, THNDILLAM,
VELLATTANJOOR, THRISSUR DISTRICT.
3. SANAL,
S/O.CHANDRAN, KANDAMPULLY HOUSE, PALLIKULLAM,
PERIMBILAVU, THRISSUR DISTRICT.
4. MANEESH,
S/O.MANIKANADAN, KUNDUPARAMBIL HOUSE, KOOTUPATHA,
THIRUMITTAKODE, PATTAMBI, PALAKKAD DISTRICT.
5. MANOHARAN,
S/O.SANKARANARAYANAN, VATTAMPARAMBIL HOUSE, VELLUR,
THRISSUR DISTRICT.
6. MUHAMMEDALI,
S/O.ABDULKHADAR, UKKAYIL HOUSE, NEENDUR,
VELLARAkadu, THRISSUR DISTRICT.
7. RAJEEV,
S/O.RAJENDRAN, NALUPURAKKAL HOUSE, KANDANISSERY,
THRISSUR DISTRICT.
8. SUBEESH,
S/O.RAJAN, VADERIATTIL HOUSE, PERAKAM,
MULLASSERY VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.MAHESH V.MENON

CrI.MC.No. 3481 of 2015

RESPONDENT(S)/RESPONDENTS :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
ERUMAPETTY POLICE STATION, THRISSUR DISTRICT.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd

CrI.MC.No. 3481 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1: SEIZURE MAHAZER IN CRIME NO.586/2015 OF
ERUMAPETTY POLICE STATION DATED 05.06.2015.**

RESPONDENT(S)' ANNEXURES

NIL

//TRUE COPY//

P.S.TO JUDGE

Msd

ALEXANDER THOMAS, J.

=====

Crl.M.C.No. 3481 of 2015

=====

Dated this the 11th day of June, 2015

ORDER

The prayer in this Crl.M.C. is as follows:

“... to direct the 2nd respondent to send the report of the seizure of the petitioners vehicles in crime No.586/2015 of Erumapetty Police Station, Thrissur District to the Magistrate having jurisdiction forthwith.”

2. It is pointed out that the only offence involved in this case is the one under the Mines and Minerals (Development & Regulation) Act and the Station House Officer, who has seized the vehicles, is legally bound to report the factum of seizure to the jurisdictional Magistrate concerned, in the light of the legal principles laid down by this Court in the case Kumkuma Priya v. State of Kerala, reported in 2015 (2) KLT 438.

3. Heard Sri.Mahesh.V.Menon, learned counsel of the petitioners and the learned Public Prosecutor appearing for the respondent State of Kerala.

4. If, in fact, the only offence involved in this case is one

under the Mines and Minerals (Development & Regulation) Act and the rules framed thereunder, then the 2nd respondent Sub Inspector of Police, Erumapetty Police Station, Thrissur district, shall immediately report the factum of seizure to the jurisdictional Magistrate concerned within a period of ten days from the date of receipt of a certified copy of this order, in case he has not so far made such report. Thereafter, it is open to the petitioners to move appropriate application for interim custody of the vehicles, etc., which the learned Magistrate shall decide in accordance with law, without any further delay.

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

sdk+

Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge