

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Crl.MC.No. 4438 of 2015 ()

CRIME NO. 522/2015 OF VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT.

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PETITIONER/ACCUSED:

**YOUSAF. C.P., S/O.KUTTOOSA,
AGED 28 YEARS, CHIRAYIMMAL HOUSE,
KEEZHUPARAMBU, AREACODE,
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
VAZHAKKAD POLICE STATION,
MALAPPURAM DISTRICT-673 640.**

BY PUBLIC PROSECUTOR SRI.GITHESH .R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

Crl.MC.No. 4438 of 2015

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A COPY OF THE FIR AND SEIZURE MAHAZAR IN
CRIME NO.522/2015 OF THE VAZHAKKAD POLICE STATION
DATED 06/07/2015.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 4438 OF 2015

Dated 15th July, 2015

ORDER

1. The petitioner is the owner of a mini lorry bearing registration No.KL-11Z/7200 which was seized by the 2nd respondent on 6.7.2015 on the allegation that the vehicle was used for illegal transportation of sand.

2. Various contentions are raised by the learned counsel for the petitioner but when the matter was heard, the prayer was limited to issue directions to the 2nd respondent to report seizure of the vehicle before the Judicial Magistrate of First Class, Malappuram, in terms of the binding judgment reported in **Aboobacker v. State of Kerala (2014 (3) KLT 26)** and to direct the learned Magistrate to consider and dispose of the application for interim custody. I am of the opinion that the prayer of the petitioner can be allowed in view of S 23 A of the Kerala Protection of River Banks and

Regulation of removal of Sand Act , 2001.

3. In view of the above, the 2nd respondent is directed to report the seizure of the vehicle bearing registration No.KL-11Z/7200 involved in Crime 522 of 2015 of the Vazhakkad Police Station , Malappuram, before the Judicial Magistrate of First Class, Malappuram, and the learned Magistrate is directed to consider and dispose of the application seeking interim custody of the vehicle, as expeditiously as possible.

Crl.M.C is disposed of as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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