

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Crl.MC.No. 5357 of 2015

CRIME NO. 567/2015 OF PARIYARAM POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED :

**UNAISE ETTASSERY, AGED 37 YEARS,
S/O.ABDU, SAHIDA MANZIL, ARIPPAMBRA,
THIRUVATTOOR, PARIYARAM AMSOM, TALIPARAMBA TALUK,
KANNUR DISTRICT.**

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY STATION HOUSE OFFICER,
PARIYARAM MEDICAL COLLEGE POLICE STATION, PAYYANNUR,
KANNUR DISTRICT, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE I:** CERTIFIED COPY OF THE F.I.R. IN CRIME NO.567/2015 REGISTERED AT PARIYARAM MEDICAL COLLEGE POLICE STATION.
- ANNEXURE II:** CERTIFIED COPY OF THE SEIZURE MAHAZAR IN CRIME NO.567/2015 REGISTERED AT PARIYARAM MEDICAL COLLEGE POLICE STATION.
- ANNEXURE III:** TRUE COPY OF THE PLAINT IN O.S.NO.325/2015 FILED BEFORE THE MUNSIFF'S COURT, THALIPARAMBA DATED 22.06.2015.
- ANNEXURE IV:** TRUE COPY OF THE AFFIDAVIT FILED IN SUPPORT OF THE PETITION I.A.NO.1490/2015 DATED 22.06.2015.
- ANNEXURE V:** TRUE COPY OF THE COMMISSION REPORT IN O.S.NO.325/2015 DATED 03.07.2015.
- ANNEXURE VI:** TRUE COPY OF THE PASS ISSUED BY THE AUTHORITIES ISSUED TO THE PETITIONER.
- ANNEXURE VII:** TRUE COPY OF THE RELEVANT PAGE OF THE REGISTER KEPT AT THIRUVATTOOR KADAVU.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

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Crl.M.C. No. 5357 of 2015
.....

Dated this the 30th day of September, 2015

ORDER

Petitioner is the accused in Crime No.567 of 2015 of Pariyaram Medical College Police Station, registered for the offence punishable under Section 20 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

2. The allegation against the petitioner is that on 25.05.2015 at 9.10 p.m., he was found transporting river sand illegally collected from the river by a mini lorry bearing Reg.No.KL-13L-2484 and the same was seized by the police. According to the petitioner, no such incident had occurred and his mini lorry was illegally seized by the police. Further, according to him, the said mini lorry was not used for transporting river sand as is evident from the mahazar.

Hence, the petitioner sought for getting the proceedings against him quashed.

3. The learned Public Prosecutor has pointed out that the very same lorry was previously involved in another case also and sand was illegally transported, for which Crime No.64/2015 was registered for the offence punishable under Section 379 IPC and Section 20 of Kerala Protection of River Banks and Regulation of Removal of Sand Act.

4. On hearing the learned counsel for the petitioner and on going through the records, this Court is of the view that it is too premature to consider the request of the petitioner. The petitioner's request is based on the evidence which has to be established before court. It is too premature to consider the present Crl.M.C. Matters being so, this Crl.M.C. is devoid of merits, and is only to be dismissed, and I do so.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge