

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Crl.MC.No. 6057 of 2015

**CC 2721/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG.
CRIME NO. 354/2014 OF AMBALATHARA POLICE STATION, KASARGOD.**
.....

PETITIONER(S)/ACCUSED:

- 1. SALEEM, AGED 27 YEARS,
S/O. MAYYADI, KAVOOR, KUNJATHUBAIL,
DEVI NAGAR, MANGALORE, KARNATAKA.**
- 2. VIJESH.CP., AGED 32 YEARS,
S/O. SREEDHARAN, THAZHE KUNIYIL,
KAYAPPANJI, IRINGUR, P.O. THUNERI,
KOZHIKODE.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT/COMPLAINANT/STATE.:

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE AI. A TRUE COPY OF THE CRIME AND F.I.R IN CRIME NO.354 OF
2014 OF AMBALATHARA POLICE STATION.**
- ANNEXURE AII. A CERTIFIED COPY OF THE FINAL REPORT IN C CRIME NO.354
OF 2014 OF AMBALATHARA POLICE STATION.**
- ANNEXURE AIII. A TRUE COPY OF THE PROCEEDING OF THE SUB DIVISIONAL
MAGISTRATE, KASARAGOD AT KANHANGAD
DATED 13-01-2015.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

.....
Crl.M.C. No.6057 of 2015
.....

Dated this the 18th day of September, 2015

O R D E R

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Petitioner is the accused in Crime No.354/2014 of Ambalathara Police Station for the offences punishable under Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 and presently, final report has been filed in the matter alleging the very same offences. The same is pending before the Judicial First Class Magistrate's Court-I, Hosdurg as CC.2721/2014.

2. The allegation against the petitioner is that he conducted illegal sand mining and transported sand illegally without any documents. Subsequently, through

Annexure-AIII, the learned Sub Divisional Magistrate, Kasaragod has released the lorry in question as well as the sand to the petitioner on his satisfaction that the sand was procured through legal means and the same was being transported legally. All the transaction details including the token for the payment of commercial tax were produced before the learned Sub Divisional Magistrate.

3. In Annexure-AIII, the learned Sub Divisional Magistrate has clearly found that the vehicle did not contain Kerala river sand in violation of the provisions of the above Act. Matters being so, there is no meaning in proceeding with the matter and, therefore, Annexure-All final report in Crime No.354/2014 of Ambalathara Police Station and all further proceedings consequent to it in CC.2721/2014 of the Judicial First Class Magistrate's Court-I, Hosdurg can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-All final report in Crime No.354/2014 of Ambalathara Police

CrI.M.C.6057/2015

: 3 :

Station and all further proceedings consequent to it in
CC.2721/2014 of the Judicial First Class Magistrate's
Court-I, Hosdurg are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/18/09

// True Copy //

PA to Judge