

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Cri.MC.No. 6492 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 1586/2011 of J.M.F.C.-II, ERNAKULAM
CRIME NO. 780/2011 OF CENTRAL POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED:

HARIDAS, AGED 62 YEARS
S/O.SHENROY, AISHWARYA HOUSE, NORTH JANATA ROAD
PALARIVATTOM, ERNAKULAM-682025.

BY ADVS.SRI.P.B.ASOKAN
SRI.P.B.AJOY
SRI.S.SREEKUMAR (ADUKKATH)

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY SHO OF CENTRAL POLICE STATION
ERNAKULAM, THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
15-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6492 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A : THE CERTIFIED COPY OF THE FIRST INFORMATION REPORT DT 5-3-2011 IN CRIME NO.780/2011 OF CENTRAL POLICE STATION, ERNAKULAM.

ANNEXURE B : THE CERTIFIED COPY OF THE CHARGE SHEET IN CC NO.1586/2011 DT 30-3-2011 IN THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE-II, ERNAKULAM.

ANNEXURE C : THE TRUE COPY OF THE LIQUIFIED PETROLEUM GAS (REGULATION OF SUPPLY AND DISTRIBUTION) ORDER 2000 DT 26-4-2000 AND BEARING NO.GSR 487 (E) AS PUBLISHED IN THE GAZETTE OF INDIA.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.6492 of 2015 F
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Dated this the 15th day of October, 2015

ORDER

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Petitioner is the accused in CC No.1586/2011 of the Judicial First Class Magistrate's Court-II, Ernakulam, which has arisen from Crime No.780/2011 of Central Police Station, Ernakulam, for the offences punishable under Sections 3, 6 and 7 of the Essential Commodities Act, 1955. It is by alleging violation of the Liquefied Petroleum Gas (Regulations of Supply and Distribution) Order, 2000, the offences under Sections 3, 6 and 7 of the Essential Commodities Act have been alleged against the petitioner. As per Clause 13(1) of the Liquefied Petroleum Gas (Regulations of Supply and Distribution) Order, 2000, any officer of the Central or the State Government, not below the rank of Inspector duly authorised by a general or a special order, by the Central Government or the State Government, as the case may be, or any officer of a Government oil company, not below the rank of Sales Officer,

authorised by the Central Government, is the authority to make a search and seizure. Here, in this case, the search and seizure was made by the Sub Inspector of Police, Central Police Station, Ernakulam. Matters being so, the search and seizure are bad in law and the same cannot be accepted for the continuance of the matter. Therefore, Annexure-B final report and all further proceedings in CC No.1586/2011 of the Judicial First Class Magistrate's Court-II, Ernakulam, which has arisen from Crime No.780/2011 of Central Police Station, Ernakulam, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-B final report and all further proceedings in CC No.1586/2011 of the Judicial First Class Magistrate's Court-II, Ernakulam, which has arisen from Crime No.780/2011 of Central Police Station, Ernakulam, are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/15/10

// True Copy //
PA to Judge