

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Crl.MC.No. 6608 of 2015 ()

CRIME NO. 1625/2015 OF KODUNGALLUR POLICE STATION , THRISSUR DISTRICT

PETITIONER/ACCUSED :

**SANTHOSH. C.K.,
S/O KUMARAN, AGED 44 YEARS,
CHALLIYIL HOUSE, AZHIKODE P.O.,
KODUNGALLUR, THRISSUR DISTRICT- 680 666**

**BY ADVS.SRI.J.JULIAN XAVIER
SRI.ROY JOSEPH**

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
KODUNGALLUR POLICE STATION.**
- 2. PORT CONSERVATOR,
PORT OFFICE, AZHIKODE JETTY P.O, KODUNGALLUR,
THRISSUR DISTRICT- 680 666**
- 3. M/S. COUSINS INDUSTRIAL CO-OPERATIVE SOCIETY,
NO. S. IND (R) 381, KODUNGALLUR TALUK,
AZHIKODE JETTY P.O, KODUNGALLUR,
THRISSUR DISTRICT- 680 666**
- 4. C I OF POLICE,
OFFICE OF THE C I OF POLICE,
KODUNGALLUR POLICE STATION, KODUNGALLUR,
THRISSUR DISTRICT- 680 666**

R1,R2 & R4 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A1: TRUE COPY OF THE CERTIFICATE OF REGISTRATIN OF VEHICLE NO. KL 5S-3140
- ANNEX A2: TRUE COPY OF THE DRIVING LICENSE OF THE PETITIONER
- ANNEX A3: TRUE COPY OF THE GO(MS) NO. 17/2010-F & PD DT. 18-3-10 ISSUED BY THE FISHERIES AND PORTS (D) DEPARTMENT, GOVERNMENT OF KERALA
- ANNEX A4: TRUE COPY OF THE MANUAL DREDING NORMS WITHIN PORT LIMITS
- ANNEX A5: TRUE COPY OF THE PERMKT DT. 29/6/15 ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT
- ANNEX A6: EXAMPLE OF VEHICLE PASS ISSUED ON 24/6/15 ON AN APPLICATION SUBMITTED BY THE 3RD RESPONDENT
- ANNEX A7: TRUE COPY OF THE DETAILS OF APPLICATION SUBMITTED BY THE 3RD RESPONDENT FOR LOADING DREDGED MATERIAL ON 1/7/15
- ANNEX A8: TRUE COPY OF THE BILL DT. 1/7/15 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- ANNEX A9: TRUE COPY OF THE ACKNOWLEDGEMENT FOR SAND PASS REQUEST SUBMITTED BY THE 3RD RESPONDENT ON 7/1/2015
- ANNEX A10: TRUE COPY OF THE LETTER ISSUED BY THE SECRETARY AITUC WITH REGISTRATION NO.08-17/88 DT. 2/7/15
- ANNEX A11: TRUE COPY OF THE FIR IN CRIME NO. 1625/15 OF KODUNGALLUR POLICE STATION

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

B.KEMAL PASHA, J.

=====

Crl.M.C. No. 6608 of 2015

=====

Dated this the 28th day of October, 2015

ORDER

The present complaint of the petitioner is that the sample of the sand in question was not collected in the presence of the petitioner and therefore, the apprehension is that the petitioner would be falsely implicated in an unnecessary criminal proceeding by planting some other material. Once again the investigating officer shall collect the sample of the sand in the presence of the petitioner by giving notice to the petitioner and shall subject such sample also to chemical analysis.

With the said direction, this Crl.M.C. is disposed of. In case of any further grievance, it is open to the petitioner to approach this Court or appropriate forum once again.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/28/10/15

// True Copy //

P.A. To Judge