

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Cri.MC.No. 7086 of 2015 ()

CMP 742/2015 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM
Cri.MC 3754/2015 of THIS HON'BLE COURT

PETITIONER/PETITIONER :

PAUL
S/O. CHUMMAR, VEVUKATTU HOUSE, MUTTINAKAM
VARAPUZHA, NORTH PARAVUR TALUK, ERNAKULAM DISTRICT

BY ADV. SRI.ANVER BASHEER

RESPONDENT/COMPLAINANT :

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN 31

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

bp

Crl.MC.No. 7086 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A-1: PHOTO COPY OF THE ORDER DATED 11-05-2015 IN CMP
 NO 742/2015 OF THE HON'BLE ADDITIONAL CHIEF JUDICIAL
 MAGISTRATE COURT ERNAKULAM IN NO CRIME NO OF
 ERNAKULAM TOWN NORTH POLICE STATION, ERNAKULAM
 DISTRICT.**

**ANNEXURE A-2: PHOTO COPY OF THE ORDER DATED 30-06-2015 IN CRL M.C
 NO 3754/2015 OF THIS HON'BLE COURT**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

B. KEMAL PASHA, J.

.....
CRL.M.C. No. 7086 of 2015
.....

Dated this the 17th day of November, 2015

ORDER

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. It seems that the search and seizure in this case was made in compliance with the provisions under Section 19 of the Kerala Conservation of the Paddy Land and Wetland Act, 2008. As per the said provision, an Authorised Officer not below the rank of a Village Officer or any Officer authorised by the Government in that behalf or any police officer not below the rank of a Sub Inspector of Police, can have an entry and make the search and seizure.

3. In this case the search and seizure was effected by the Additional Sub Inspector of Police. Therefore, there

is no reason to press into service the provisions contained under Section 12(1) of the said Act.

4. The seizure has been reported before the District Collector as per Section 20 of the said Act. It seems that the entire confiscation proceedings have to be initiated and completed by the District Collector himself. In such a case, it is for the petitioner to approach the District Collector for the release of the vehicle in question. With liberty to the petitioner to have recourse to the provisions under Section 20 of the said Act, this Crl.M.C. is closed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge