

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

Crl.MC.No. 7461 of 2015

**CC 2863/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, CHERTHALA
CRIME NO. 479/2011 OF AROOR POLICE STATION, ALAPPUZHA**
.....

PETITIONER(S)/PETITIONER:

**DIJIKUMAR, AGED 43 YEARS,
S/O. DAMODARAN, MELUPARAMBU VEEDU, EZHUPUNNA.**

**BY ADVS.SRI.ABDUL JALEEL.A
SMT.M.A.SULFIA**

RESPONDENT(S)/RESPONDENT:

**1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**2. SUB INSPECTOR OF POLICE,
AROOR POLICE STATION, CHERTHALA,
ALAPPUZHA DISTRICT 688 001.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF F.I.R. IN CRIME NO.479/2011 OF AROOR POLICE STATION.

ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.479/2011 OF AROOR POLICE STATION.

ANNEXURE A3: CERTIFIED COPY OF THE CRL.M.P.6386/202015 IN C.C.2863/2012 OF JFCM-II, CHERTHALA.

ANNEXURE A4: CERTIFIED COPY OF ORDER IN CRL.M.P.6386/2015 IN C.C.2863/2012 OF JFCM-II, CHERTHALA DATED 11.8.2015.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.7461 of 2015
.....

Dated this the 7th day of December, 2015

ORDER

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Petitioner is the accused in CC No.2863/2012 of the Judicial First Class Magistrate's Court-II, Cherthala. The 2nd respondent, Sub Inspector of Police, Aroor Police Station, conducted a search and seizure whereby, he registered Crime No.479/2011 alleging offence under Section 3(1)(a)(b) of Liquefied Petroleum Gas (Regulations of Supply and Distribution) Order, 2000 and Section 3(7) of the Essential Commodities Act, 1955. It seems that the Sub Inspector of Police has conducted a search and seizure. 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, can conduct a search and seizure.*”

A Sub Inspector of Police cannot be an authorised officer within the meaning of Clause 13(1) of the Order 2000. Here, in this case, the search and seizure was made by the Sub Inspector of Police, Aroor Police Station. 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-A2 final report and all further proceedings in CC No.2863/2012 of the Judicial First Class Magistrate's Court-II, Cherthala, which has arisen from Crime No.479/2011 of Aroor Police Station, are liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure-A2 final report and all further proceedings as against the petitioner in CC No.2863/2012 of the Judicial First Class Magistrate's Court-II, Cherthala, which has arisen from Crime No.479/2011 of Aroor Police Station, are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/12

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PA to Judge