

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Crl.MC.No. 7642 of 2015 ()

CRIME NO. 646/2015 OF HOSDURG POLICE STATION, KASARAGOD DISTRICT.

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PETITIONER/ACCUSED:

**ABDUL MAJEED,
S/O. SAINABA, ALAMPADY HOUSE,
KOLAVAYAL P.O., AJANUR, KASARAGOD DISTRICT.**

BY ADV. SRI.O.D.SIVADAS.

RESPONDENTS/COMPLAINANT & STATE:

- 1. THE SUB INSPECTOR OF POLICE,
HOSDURG POLICE STATION,
KASARAGOD DISTRICT - 671 121.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1 COPY OF THE FIR IN CRIME NO.646/2015 OF HOSDURG
POLICE STATION.**

**ANNEXURE A2 COPY OF THE JUDGMENT DATED 23/01/2015 IN
WP(C).NO.34347/2015.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

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Crl.M.C. No.7642 of 2015 B
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Dated this the 15th day of December, 2015

O R D E R

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Heard learned counsel for the petitioner and learned Public Prosecutor.

2. The petitioner has pointed out that initially, the crime was registered under Section 20 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 and Section 379 IPC. The petitioner had approached this Court through W.P.(C) No.34347/2015. Vide Annexure-A2 judgment, this Court had directed the Revenue Divisional Officer, Kanhangad to transmit the entire files to the Geologist, based on the analysis report. The transported mineral was proved as ordinary sand and not the river sand through the analysis report. Thereafter,

the offence was compounded and the vehicle was released.

3. When the matter was compounded as the mineral involved was ordinary sand and not river sand, Annexure-A1 FIR and all further proceedings in Crime No.646/2015 of Hosdurg Police Station are liable to be quashed.

In th result, this CrI.M.C. is allowed and Annexure-A1 FIR and all further proceedings in Crime No.646/2015 of Hosdurg Police Station are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/15/12

// True Copy //

PA to Judge