

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 2434 of 2014 (D)

PETITIONERS:

1. SUMESHKUMAR, AGED 50 YEARS,
S/O.BHASKARAN, 'SAI KRIPA', AREKKARA MUR,I
MULAKKUZHA VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT.
2. MOHANAN AGED 45 YEARS,
S/O.KUNJUCHERUKKAN, THATTARUPARAMBIL HOUSE,
VENMONY PADINJARUMURI, VENMONY VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.

BY ADVS.SRI.M.G.KARTHIKEYAN
SRI.NIREESH MATHEW

RESPONDENTS:

1. THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,
CHENGANNUR, ALAPPUZHA DISTRICT-689 121.
2. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM-695 033.
3. THE DEPUTY COMMISSIONER OF EXCISE,
ALAPPUZHA-689 001.
4. THE SECRETARY, TAXES (A) DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM-695 001.
5. THE DIRECTOR OF RESEARCH,
KERALA AGRICULTURAL UNIVERSITY, MAIN CAMPUS,
VELLANIKKARA, KAU (P.O.), PIN 680656
THRISSUR DISTRICT.

R1 TO R4 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR
R5 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 2434 of 2014 (D)

PETITIONER'S EXHIBITS:

EXHIBIT-P1: PHOTOCOPY OF THE CHEMICAL ANALYSIS CERTIFICATE DATED 24.11.2011 ISSUED BY THE ASST. CHEMICAL EXAMINER TO GOVT. OF KERALA, THIRUVANANTHAPURAM.

EXHIBIT-P2: PHOTOCOPY OF THE CRIME AND OCCURRENCE REPORT IN C.R.NO.8/2014 OF CHENGANNUR EXCISE RANGE.

EXHIBIT-P3: PHOTOCOPY OF THE NOTIFICATION, GO(P)NO.24/2007/TD DATED 14.2.2007 PUBLISHED IN THE KERALA GAZETTE.

EXHIBIT-P4: PHOTOCOPY OF THE LETTER DATED 8.11.2010 SUBMITTED BEFORE THE STATE PUBLIC INFORMATION OFFICER, REGIONAL EXAMINER'S LABORATORY, KAKKANAD, BY ONE VINAYAN.

EXHIBIT-P5: PHOTOCOPY OF THE LETTER DATED 26.11.2010 ISSUED BY THE DIRECTOR OF RESEARCH, KERALA AGRIL. UNIVERSITY, THRISSUR.

EXHIBIT-P6: A PHOTOCOPY OF THE ITEM TAKEN FROM THE INTERNET (YAHOO SEARCH-STARCH-AT DICTIONARY.COM) SHOWING THE DEFINITION OF STARCH AND ITS DETAILS.

EXHIBIT-P7:A PHOTOCOPY OF THE DETAILS OF THE POLYSACCHARIDE TAKEN FROM THE INTERNET (YAHOO SEARCH-POLYSACCHARIDE-AT DICTIONARY.COM).

EXHIBIT-P8: PHOTOCOPY OF THE ALCOHOLIC DRINKS-TODDY-SPECIFICATION ISSUED BY THE BUREAU OF INDIAN STANDARDS.

EXHIBIT-P9: PHOTOCOPY OF THE ORDER DATED 20.12.2013 IN CRL.M.C.NO.6531/2013 PASSED BY THIS HON'BLE COURT.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.2434 of 2014 D

Dated this the 10th day of December, 2015

JUDGMENT

In the light of the ratio laid down in **Santhosh & Another v. State of Kerala & Others** (2015 (5) KHC 198) the writ petition is dismissed. No order as to costs.

Dama Seshadri Naidu, Judge

tkv