

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 7073 of 2015 (H)

PETITIONER(S):

1. DILEEP,
S/O.DIVAKARAN,
AGED 32 YEARS,
PANAMBALIL PADEETHATHIL,
MUTTOM P.O.,
ALAPPUZHA.

2. DEEPA
W/O.BIJU,
ARYAMANGALAM,
ARATTUPUZHA P.O.
VIA.THRIKUNNAPUZHA,
ALAPPUZHA.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENT(S)/RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE
CHENGANNUR, PIN - 689 121.

2. THE SUB COLLECTOR (RDO)
CHENGANNUR,
ALAPPUZHA DISTRICT,
PIN - 689 121.

R1 AND R2 BY GOVERNMENT PLEADER SRI.JOSPEH GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

vmr.

WP(C).No. 7073 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE PERMIT OF HGV GOODS VEHICLE BEARING
REGISTRATION NUMBER KL-03M-5320 ISSUED BY THE JOINT RTO,
KAYAMKULAM.**

**EXT.P2: TRUE COPY OF THE PERMIT OF HGV GOODS VEHICLE BEARING
REGISTRATION NUMBER KL-29B-3442 ISSUED BY THE JOINT RTO,
KAYAMKULAM.**

**EXT.P3: TRUE COPY OF THE FIR RELATING TO CRIME NO. 374/2015 OF
CHENGANNUR POLICE STATION.**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

P.R. RAMACHANDRA MENON, J.

W.P.(C).No.7073 of 2015

Dated this the 5th day of March, 2015

JUDGMENT

The petitioners are the owners of vehicles bearing Registration No.KL-03M-5320 and KL-29B-3442 which are seized by the 1st respondent on 24.02.2015 alleging offences under the Mines and Mineral (Regulation and Development) Act 1957. It is stated that a crime has also been registered as Crime No.374/2015 of Chengannur Police Station as borne by Ext.P3 FIR.

2. Case of the petitioners is that no offence has been committed by the petitioners in any manner and the prayer is to produce the vehicles before the Judicial First Class Magistrate Court, Chengannur so as to enable the petitioners to approach the said Court to get interim custody of the vehicles as sought for in the interim relief.

3. Heard the learned Government Pleader as well.

4. In the above circumstance, the 1st respondent is directed to take all necessary steps to report the seizure of vehicle bearing No.**KL-03M-5320 and KL-29B-3442** before the concerned Magistrate along with necessary complaint, at the

earliest, at any rate, within 'one week'. It will be open for the petitioners to approach the concerned Magistrate's Court to get interim custody of the vehicle in accordance with law; subject to appropriate terms. This will not bar the way of the competent authority under the Act, in proceeding with appropriate steps with regard to the prosecution proceedings in terms of the relevant provisions of law. It is made clear that, if the petitioners opt to compound the offence, by virtue of the enabling provisions, they shall be given a chance in this regard by the first respondent, subject to satisfaction of a sum of Rs.25000/- in respect of each vehicle, as the compounding fee. Once the offence is compounded, no prosecution proceedings will lie, in view of the judgment passed by this Court in **Digil v. Sub Inspector of Police [2013 (1) KLT 600]**.

The writ petition is disposed of.

The petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the first respondent, for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE