

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 12308 of 2014 (K)

PETITIONER(S):

**SAJEEV, AGED 42 YEARS,
S/O. SAD RESIDING AT SIVAN PILLAI,
PAROOR HOUSE,
PALLIKKAL P.O., KATTCHIRA,
ALAPPUZHA DISTRICT-690 501.**

**BY ADVS.SRI.M.G.SREEJITH
SMT.P.A.BINDU
SRI.ABDUL JALEEL ONATH**

RESPONDENT(S):

- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE, ADOOR POLICE STATION,
PATHANAMTHITTA DISTRICT 690 504.**

BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 12308 of 2014 (K)

APPENDIX

PETITIONER'S EXHIBITS

- EXT. P1: TRUE COPY OF REGISTRATION CERTIFICATE.
- EXT. P2: TRUE COPY OF PERMIT DATED 11.09.2011.
- EXT. P3: TRUE COPY OF FIR ISSUED BY THE 2ND RESPONDENT
- EXT. P4: TRUE COPY OF THE ORDER DATED 11.04.2014 IN W.P.C.NO.10829/2014.

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

STK

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 12308 of 2014

Dated this the 23rd day of February, 2015

J U D G M E N T

The petitioner is the owner of a vehicle bearing Reg.No.KL-31-C-2896, which was seized on 03.05.2014 by the 2nd respondent on the allegation that the vehicle was going for the purpose of transporting sand. According to the petitioner, on going through Exts.P1 & P2, it can be seen that he was carrying out his duty with all required documents. Therefore, according to the petitioner, retaining of the vehicle by the 2nd respondent is illegal. It is with this background, the petitioner has come up before this Court.

2. This Court, by interim order dated 09.05.2014, ordered release of the vehicle to the petitioner on condition that the petitioner deposits ₹25,000/- (Rupees twenty five thousand only) with the respondents. It was made clear that the same would be subject to further

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orders from this Court.

This Court is of the view that if the interim order has been complied with by the petitioner, the writ petition can be disposed of permitting the petitioner to compound the offences. If the petitioner is ready to compound the offences, he shall file a compounding petition within a period of one month from the date of receipt of a copy of this judgment. In the event of filing the compounding petition, the respondents shall appropriate the amount deposited by the petitioner towards fine, to be paid by him. After compounding the offences, the respondents shall report the fact to the Magistrate's Court concerned so that further proceedings could be dropped.

The writ petition is disposed of as above.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-