

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

WP(C).No. 12764 of 2015 (U)

PETITIONER:

MOLLY GEORGE, AGED 49 YEARS
S/O.GEROG, NJALIYAM HOUSE, MUNDANGAMATTOM
NADUVATTOM P.O., MALAYATTOOR, NEELEESWARAM
ANGAMALY, ERNAKULAM.

BY ADVS.SRI.S.RENJITH
SRI.GEORGE MATHEW (ONATTUPARAMBIL)

RESPONDENT:

SUB INSPECTOR OF POLICE, KALADY POLICE STATION
KALADY, ERNAKULAM DISTRICT- 683 574.

BY GOVERNMENT PLEADER SRI.T.R.RAJESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 12764 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. THE TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE SWASRAJ
MAZDA TIPPER LORRY BEARIBG RE.NO.KL-40-4149.

EXT.P2. THE TRUE COPY OF THE FIR DATED 18/4/2015 IN CRIME NO.1035/2015
OF KALADY POLICE STATION.

EXT.P3. THE TRUE COPY OF THE JUDGMENT IN WPC NO.8580/2015 OF THE
HONOURABLE HIGH COURT OF KERALA.

RESPONDENT'S EXHIBITS: NIL

// TRUE COPY //

TKS

P.S. TO JUDGE

C.T.RAVIKUMAR, J.

W.P.(C)No.12764 of 2015

Dated 21st April, 2015

JUDGMENT

The petitioner is the owner of a Swaraj Mazda Tipper Lorry bearing No.KL-40-4149. The vehicle in question was seized by the respondent on 17.4.2015 on the allegation that ordinary earth has been transported using the said vehicle violating the provisions under the Mines and Mineral (Development and Regulation) Act, 1957 (for short `the Act') and the Kerala Minor Mineral Concession Rules, 1967. Pursuant to the seizure of the vehicle Crime No.1035 of 2015 of Kalady Police Station was registered against him alleging commission of offence punishable under Sections 4(i)A), 4(ii) read with Section 21 of the Act. The contention of the petitioner is that the said offence could be compounded in the light of the provisions under Section 23A of the Act and also the relevant rules and to buttress the said contention the petitioner relies on Ext.P3 judgment.

2. Having heard the learned counsel for the petitioner and also the learned Government Pleader and perusing Ext.P3 judgment this writ petition is disposed of, in the light of Ext.P3 judgment and

also the decision of this Court in **Digil v. Sub Inspector of Police** **(2013 (1) KLT 600)**, as hereunder:-

The petitioner is granted liberty to move appropriate application for compounding the offence. In case the petitioner files such an application within three weeks the same shall be considered by the respondent and appropriate orders shall be passed forthwith, subject to the satisfaction of an amount of ₹ 25,000/- as the compounding fee. If the offence is compounded, it is made clear that in the light of **Digil's** case (supra) there cannot be any further prosecution proceedings against the petitioner in respect of Crime No.1035 of 2015. The petitioner shall produce a copy of this judgment, along with the application for compounding the offence, before the respondent for further steps.

Sd/-
C.T.RAVIKUMAR
Judge

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