

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 16841 of 2015 (E)

PETITIONER(S):

**KISHOR, S/O. KRISHNAKUMAR,
AGED 30 YEARS, MADASSERY, KUNDALIYOOR P.O.,
ENGANDIYOOR VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT, (OWNER OF LORRY BEARING
REGISTRATION NO. KL-5-R-8855).**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

**1. THE SUB INSPECTOR OF POLICE,
KODUNGALLUR POLICE STATION,
THRISSUR DISTRICT - 680 001.**

**2. THE SUB INSPECTOR OF POLICE,
VADANAPPILLY POLICE STATION,
THRISSUR DISTRICT - 680 001.**

*** ADDL. R3 IMPEADED**

**3. THE SENIOR GEOLOGIST,
MINING & GEOLOGY DEPARTMENT,
THRISSUR.**

*** ADDL. R3 IS SUO MOTU IMPEADED AS PER ORDER DATED 06/07/2015.**

BY GOVT. PLEADER SRI.MANOJ KUNJACHAN.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

WP(C).No. 16841 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS:-

**P1 - TRUE COPY OF THE MAHAZAR DATED 03.06.2015 PREPARED BY
THE FIRST RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J.
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W.P.(C) No.16841 of 2015 - E
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Dated this the 6th day of July, 2015

J U D G M E N T

The petitioner is aggrieved insofar as the lorry bearing registration No. KL5-R-8855 was seized by the 1st respondent. The petitioner's vehicle has been released on the basis of an interim order passed by this Court on 10.06.2015, on payment of Rs.25,000/- each. The petitioner contends that the petitioner would not seek for compounding and is ready to face prosecution.

2. In such circumstance, the petitioner shall surrender the vehicle to the 1st respondent within a period of two weeks from today and the 1st respondent shall produce the same before the Jurisdictional Magistrate, within two weeks thereafter. The petitioner is entitled to move an application before the

Jurisdictional Magistrate for interim custody; in which event, the petitioner shall also produce the receipt of payment of Rs.25,000/- made as per the interim order and the Magistrate on imposing any condition shall take into account the said deposit and deduct the same from the condition imposed by the Magistrate. The condition to be imposed is left to the discretion of the Jurisdictional Magistrate.

3. The petitioner if applying for compounding shall be permitted to do so only on payment of Rs.50,000/- (Rupees fifty thousand only) as also double the amount of royalty and the price of the mineral illegally transported as determined by the Geologist on an assessment of the maximum quantity that could be transported in the goods vehicles which had been seized. The very same direction in W.P.(C) No.14605/2015 and connected cases, shall apply herein also. The petitioner shall produce the registration certificate before the additional 3rd respondent suo

motu impleaded within two weeks, and if not the vehicle shall be liable for seizure. The additional 3rd respondent shall determine the said amount and deduct the amounts paid by virtue of the interim order on production of the receipt of such payment. On payment of the aforesaid sums, offence shall be compounded. The compounding made shall be marked in the registration certificate of the vehicle and communicated to the Motor Vehicle Department.

4. If the petitioner does not apply for compounding or produce the vehicle, as directed herein, then the vehicle bearing registration No. KL5-R-8855 shall be liable for seizure.

Writ petition would stand disposed of with the above directions.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.