

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 20848 of 2015 (E)

PETITIONER(S):

**BABU, S/O.KUNJUPANIKKAN, AGED 52 YEARS,
KAKKANATTU HOUSE, KALLARA P.O.,
KALLARA VILLAGE, VAIKOM TALUK,
KOTTAYAM DISTRICT, (OWNER OF A LORRY
BEARING REGISTRATION NO.KL-36-B-4546).**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
KADUTHURUTHY POLICE STATION,
KOTTAYAM DISTRICT-686 611.**
- 2. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

*** ADDL. R3 IMPEADED**

- 3. THE SENIOR GEOLOGIST,
KOTTAYAM.**

*** IS SUO MOTU IMPEADED AS ADDL. R3 AS PER JUDGMENT
DATED 17/07/2015.**

BY SR. GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 20848 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 COPY OF THE MAHAZAR DATED 07/07/2015 PREPARED BY
THE FIRST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

W.P(C). No.20848 of 2015

Dated this the 17th day of July, 2015.

JUDGMENT

The petitioner is aggrieved insofar as the lorry bearing registration No. KL-36-B-4546 was seized by the first respondent. 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. 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.

Writ petition would stand disposed of with the above directions.

Sd/-
K. VINOD CHANDRAN,
JUDGE

sp