

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 12TH DAY OF MAY 2020 / 22ND VAISAKHA, 1942

CRL.MC.NO.2588 OF 2020

CRIME NUMBER NOT KNOWN OF CHERUPPULASSERY POLICE STATION,
PALAKKAD DISTRICT

PETITIONER

MOHAMMED ASHARAF,
SON OF MOIDUTTY, AGED 32 YEARS,
RESIDING AT KIZHANGAMUNDAYIL,
EZHUVANTHALA, NELLAYA VILLAGE,
OTTAPPALAM TALUK, PALAKKAD DISTRICT
(OWNER OF LORRY BEARING REGISTRATION NO. KL-41-8187
AND UNREGISTERED (FOR REGISTRATION) EXCAVATOR JCB)

BY ADV. SRI.P.M. ZIRAJ

RESPONDENTS

1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031.
2. THE SUB INSPECTOR OF POLICE,
CHERPULASSERY STATION, PALAKKAD DISTRICT,
PIN- 679503.
3. THE SUB COLLECTOR (RDO) , OTTAPPALAM,
PALAKKAD DISTRICT, PIN-670101.
4. THE DISTRICT COLLECTOR, PALAKKAD, PIN-678001.
5. THE DISTRICT GEOLOGIST, PALKKAD, PIN-678001

R1-R5 BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL MC HAVING COME UP FOR ADMISSION ON 12.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ASHOK MENON, J.

Crl.MC No.2588 of 2020

Dated this the 12th day of May, 2020

O R D E R

On 18.03.2020, a lorry bearing registration No.KL-41-8187 and an unregistered Excavator JCB owned by the petitioner were seized by the 2nd respondent as per Annexure-1 mahazer for violation of the offences under the Kerala Minor Mineral Concession Rules and the Mines and Minerals (Development and Regulation) Act.

2. The learned Counsel for the petitioner referring to Annexure-1 and also Rule 32 of the Kerala Minerals (Prevention of illegal Mining, Storage and Transportation) Rules, 2015 (hereinafter referred to as "the Transportation Rules, 2015"), submits that the petitioner is prepared to compound the offence and prays for issuance of necessary directions to the 2nd respondent to produce the vehicles before the 5th respondent, who is authorized in this behalf by S.R.O.No.375/2015 and also to direct the 5th respondent

to afford an opportunity to the petitioner to compound the offence as per the Rules.

3. Heard the learned Public Prosecutor as well.

4. After hearing the submissions, it is ordered as follows :-

i) The 2nd respondent is directed to produce the lorry bearing registration No.KL-41-8187 and the unregistered Excavator JCB before the 5th respondent within a period of two days from the date of receipt of a copy of this order.

ii) The 5th respondent is directed to consider the compounding petition to compound the offence, which is intended to be filed by the petitioner within a two weeks, if the same is permissible under law.

iv) The above endeavor shall be completed within a period of five days from the date of receipt of this order.

If the offence is compounded in terms of Rule 32 of the Transportation Rules, 2015, necessarily the vehicles shall be released forthwith. The Crl.M.C. is disposed of as above.

**ASHOK MENON
JUDGE**

dkr

APPENDIX

PETITIONER'S ANNEXURES

ANNEXURE-1:- TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE SECOND RESPONDENT DATED 18.03.2020

ANNEXURE-2:- TRUE COPY OF THE G.O (P) NO.6/2019/ID DATED 14.2.2019

ANNEXURE-3:- TRUE COPY OF THE G.O(P) NO.77/2015/ID DATED 5.06.2015

ANNEXURE-4:- TRUE COPY OF THE G.O (MS) NO. 51/2017/ID DATED 21.06.2017 REGARDING COMPOUNDING OF OFFENCE

ANNEXURE-5:- TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT DATED 17.08.2016 IN CRL.M.C. NO.5336 OF 2016