

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 08TH DAY OF MAY 2020 / 18TH VAISAKHA, 1942

CRL.MC No.2592 OF 2020

CRIME NUMBER NOT KNOWN OF EDAVANNA POLICE STATION,
MALAPPURAM DISTRICT

PETITIONER

MUNUSAMI, S/O.CHINNAKALAI, AGED 34 YEARS,
P V HOUSE, CHEMBAKUTH, EDAVANNA P.O, EDAVANNA,
MALAPPURAM, PIN-676541, MALAPPURAM DISTRICT
(OWNER OF EXCAVATOR
JCB BEARING REGISTRATION NO. KL-17-E-1623)

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,
EDAVANNA POLICE STATION, MALAPPURAM DISTRICT,
PIN-676541
3. THE DISTRICT GEOLOGIST, CIVIL STATION,
MALAPPURAM, PIN-676504

R1 - R3 BY SR.PUBLIC PROSECUTOR SRI.C.S.HRITHWICK

THIS CRIMINAL MC HAVING COME UP FOR ADMISSION ON
08.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated, this the 8th Day of May, 2020

[CRL.MC NO.2592 OF 2020]

Petitioner is the owner of an Excavator JCB bearing registration No.KL-17-E-1623. The said vehicle was seized by the second respondent on 18.3.2020 for the offence of violation of the provisions under the Kerala Minor Mineral Concession Rules, 2015 and the Mines and Minerals (Development and Regulation) Act. The Second respondent reported the seizure to the third respondent-Geologist, as per Annexure-I. But did not report to the jurisdictional Magistrate as required under Section 102(3) Cr.PC. It is stated that no crime has yet been registered.

2. The second respondent is directed to report regarding the seizure to the jurisdictional Magistrate within a week and the petitioner shall be at liberty to approach the jurisdictional Magistrate with an application to get release of the vehicle. The jurisdictional Magistrate shall also give notice to the Geologist before ordering release of the vehicle and dispose of the matter as expeditiously as possible, at any rate, within two weeks of filing the application.

with these observations, the Cr1.M.C is disposed of

**ASHOK MENON,
JUDGE**

jg

APPENDIX

PETITIONER'S ANNEXURE

ANNEXURE-1:- TRUE COPY OF THE REPORT DATED 18.03.2020
SUBMITTED BY THE SECOND RESPONDENT BEFORE THE THIRD RESPONDENT

ANNEXURE-2:- TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT
DATED 12.2.2020 IN CRL.M.C.NO.1034/2020