

Santhosh Vs. State of Kerala

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Court : Kerala

Decided On : Jan-31-2013

Judge : Honourable Mr.Justice T.R.Ramachandran Nair

Appellant : Santhosh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR THURSDAY, THE 31ST DAY OF JANUARY 2013 11TH MAGHA 193 CrI.MC.No. 692 of 2013 () ----- CRIME NO. 184/2013 OF KOTTARAKKARA POLICE STATION , KOLLAM. PETITIONERS/PETITIONERS/ACCUSED NO. 1 & 2 : ----- 1. SANTHOSH, S/O. SAYANEES, AGED 2 YEARS, RESIDING AT SAMSON BHAVAN, ARINELLOOR VADAKKEMURI, THEVALAKKARA DESOM, THEVALAKKARA VILLAGE, KOLLAM DISTRICT (DRIVER CUM OWNER OF A LORRY BEARING REGISTRATION NO. KL-23-F-6193).

2. ARUNKUMAR, S/O. ARUMUGHAM, AGED 2 YEARS, DOOR NO. 1/64, AYYANPALAYAM, PALANI, TAMILNADU, ONNER CUM DRIVER OF A JCB BEARING REGISTRATION NO. KL-23-A-1888). BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT/RESPONDENT: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM, THROUGH THE SUB INSPECTOR OF POLICE, KOTTARAKKARA POLICE STATION, KOLLAM DISTRICT, PIN-673 307. BY PUBLIC PROSECUTOR SMT.V.H. JASMINE. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. CrI.MC.No. 692 of 2013
APPENDIX PETITIONER'S ANNEXURES:- ANX.1 TRUE COPY OF THE FIRST INFORMATION REPORT DATED 25 01-2013 IN CRIME NO. 184 OF 201.OF KOTTARAKKARA POLICE STATION. ANX.II TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT DATED 11 01-2013 IN CRL. M.C. 257 OF 201.ON THE FILE OF THIS HONOURABLE COURT. RESPONDENT'S ANNEXURES:- NIL. //TRUE COPY// P.A. TO JUDGE rs. T.R. RAMACHANDRAN NAIR, J.

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~~~~~ CrI.M.C.No.692/2013

~~~~~ Dated this the 31st day of January, 2013

## ORDER

The petitioners are seeking to quash Annexure-1 First Information Report and also for release of the vehicles and a further prayer is to allow the application for compounding.

2. The offences alleged are under Sections 4(1)(a) read with Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957. Various contentions have been raised in the criminal miscellaneous case. Presently, the petitioners only seek for a consideration of the applications for compounding in the light of the provisions under Rule 60A (1) of the Kerala Minor Mineral Concession Rules. It is submitted that the applications are not being received by the Sub Inspector of Police.

3. In the light of the above plea, there will be a direction to the Sub Inspector of Police to accept the applications for compounding and consider the same and pass appropriate orders within a period of ten days from the date of production of a copy of this Order. He will be free to decide whether the compounding applications can be allowed or not. If the applications are allowed, required

compounding fees will be collected and the vehicles will be released to the respective registered owners on production of proof of ownership. If the applications are not allowed, he will Crl.M.C No.692/2013 -:2:- be free to proceed in accordance with law and reply will be given in the matter. All other contentions with regard to prayers 1 and 2 are left open. The criminal miscellaneous case is disposed of as above. (T.R. Ramachandran Nair, Judge.) ms

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