

Manojith Vs. State of Kerala

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Court : Kerala

Decided On : Feb-03-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Manojith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN MONDAY, THE 3D DAY OF FEBRUARY 2014 14TH MAGHA, 1935 CrI.MC.No. 1017 of 2014 () ----- CRIME NO. 137/2014 OF KUMALY POLICE STATION, IDUKKI DISTRICT. PETITIONER/ACCUSED: ----- MANOJITH, S/O.GOPINATHAN, AGED 32 YEARS, MULLAKKARA VEEDU, PATHUMURI BHAGAM, VELLARAMKUNNU KARA, CHAKKUPALLAM VILLAGE, (DRIVER OF TIPPER LORRY BEARING REGISTRATION NO.KL-37-A-9992). BY ADV. SRI.P.M.ZIRAJ.

RESPONDENTS: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM-682 031.

2. THE SUB INSPECTOR OF POLICE, KUMALY POLICE STATION, IDUKKI DISTRICT-685 588. BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 0302-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. Crl.MC.No. 1017 of 2014 APPENDIX PETITIONER'S ANNEXURES:- ANNEXURE-1. TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.137/2014 DATED 3001/2014 OF KUMALY POLICE STATION. ANNEXURE-2. TRUE COPY OF THE MAHASAR PREPARED BY THE SUB INSPECTOR OF POLICE, KUMALY POLICE STATION DATED 2901/2014. ANNEXURE-3. TRUE COPY OF THE WRITTEN REQUEST SUBMITTED BY THE PETITIONER BEFORE THE THE SUB INSPECTOR OF POLICE, KUMALY POLICE STATION DATED 3001/2014. ANNEXURE-4. TRUE COPY OF THE INTERIM

ORDER

DATED 0801/2013 IN CRL.MC NO.78/2013 OF THIS HONOURABLE COURT. ANNEXURE-5. TRUE COPY OF THE

ORDER

DATED 2511/2013 IN CRL.MC NO.5356/2013 OF THIS HONOURABLE COURT. RESPONDENT'S ANNEXURES:- NIL. //TRUE COPY// P.A. TO JUDGE rs. K. RAMAKRISHNAN, J.

----- Crl. M.A. No.1370 of 2014 in
Crl. M.C. No.1017 of 2014 -----
Dated this the 3rd day of February, 2014

ORDER

This criminal miscellaneous case is filed by the sole accused in Crime No.137/2014 of Kumaly Police Station, Idukki District, for a direction to the 2nd respondent to receive the application for compounding the case and pass appropriate orders, if such an application is filed, under Section 482 of the Code of Criminal Procedure (hereinafter called the 'Code').

2. It is alleged in the petition that, the petitioner is the driver of the lorry bearing Registration No.KL-37-A/9992, which involved in the alleged commission of offence and a case has been registered against him by Kumaly Police as Crime

No.137/2014 under Section 4(1) read with Section 21 of Mines and Mineral (Development of Regulation) Act, 1957 and his vehicle has been seized on 30.01.2014 by the police, on Crl. M.A. No.1370 of 2014 in Crl. M.C. No.1017 of 2014 2 the allegation that, it was being used for transporting earth without any authority and permission in violation of the provisions of Kerala Minor Mineral Concession Rules, 1967. The offence is compoundable one under Section 23A of the Act and under Rule 60(A) (1) of Kerala Minor and Mineral Concession Rules, 1967 and the officer who initiated the prosecution has to give an opportunity to the petitioner for compounding the offence. Though he is prepared for the same, the officer is not permitting the same. So, he was compelled to file this application for the above relief.

3. When the application came up for hearing, the learned counsel appearing for the petitioner as well as the learned Public Prosecutor submitted that, this criminal miscellaneous case can be disposed of in terms of the orders passed in Annexure-A4, and A5 by this court in similar matters. In Annexure-A4 and A5, this court has directed the investigating officer to receive and consider the application for compounding of the offence, if any filed by the petitioner in that case and pass appropriate Crl. M.A. No.1370 of 2014 in Crl. M.C. No.1017 of 2014 3 orders as early as possible, at any rate, within two weeks from the date of receipt of the copy of this order in that case. So considering the circumstances, I feel that this criminal miscellaneous case also can be disposed of in the same manner. So the criminal miscellaneous case is disposed of, directing the 2nd respondent, the Sub Inspector of police, Kumaly Police Station, to receive and consider the application for compounding of the offences, if any filed by the petitioner, and pass appropriate orders on the same as early as possible, at any rate, within one week from the date of receipt of the copy of this order. With the above direction and observation, this criminal miscellaneous case is disposed of. Sd/- K. Ramakrishnan, Judge // True Copy // P.A. to Judge ss