

Aagnal Vs. State of Kerala

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Court : Kerala

Decided On : Jan-30-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Aagnal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN THURSDAY, THE 30TH DAY OF JANUARY 2014 10TH MAGHA, 1935 CrI.MC.No. 1001 of 2014 ----- CrI.MC.No. 5356/2013 of HIGH COURT OF KERALA DATED 25/11/2013 CRIME NO. 151/2014 OF MANNUTHY POLICE STATION , THRISSUR ... PETITIONER(S)/ACCUSED: ----- AAGNAL, AGED 23 YEARS, S/O.ANTONY, CHOONDAL HOUSE, PUZHAMBALLAM, MARATHAKARA VILLAGE. (DRIVER OF TIPPER LORRY BEARING REGISTRATION NUMBER KL-45-J-8719). BY ADV. SRI.P.M.ZIRAJ RESPONDENT(S): ----- 1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM.

2. SUB INSPECTOR OF POLICE, MANNUTHY POLICE STATION, THRISSUR DISTRICT - PIN 680503. R1 & R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P. THIS CRIMINAL MISC. CASE HAVING COME UP FOR

ADMISSION ON3001-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss CrI.MC.No. 1001 of 2014 ----- APPENDIX PETITIONER(S)' ANNEXURES: ----- ANNEXURE-1: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.151 OF 2014 DATED251.2014 OF MANNUTHY POLICE STATION. ANNEXURE-2: TRUE COPY OF THE MAHASAR PREPARED BY THE SUB INSPECTOR OF POLICE, MANNUTHY POLICE STATION DATED251.2014. ANNEXURE-3: TRUE COPY OF THE WRITTEN REQUEST SUBMITTED BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE, MANNUTHY POLICE STATION DATED251.2014. ANNEXURE-4: TRUE COPY OF THE INTERIM

ORDER

DATED81.2013 IN CRL.M.C.NO.78/2013 OF THIS HONOURABLE COURT. ANNEXURE-5: TRUE COPY OF THE

ORDER

DATED2511.2013 IN CRL.M.C.NO.5356/2013 OF THIS HONOURABLE COURT. RESPONDENT(S)' ANNEXURES: ----- N I L /TRUE COPY/ P.A.TO JUDGE Kss K. RAMAKRISHNAN, J.

----- CrI.M.C. No.1001of 2014
----- Dated this the 30th day of
January, 2014

ORDER

This criminal miscellaneous case is filed by the petitioner, who is the accused in Crime No.151/2014 of Mannuthy police station, to give a direction to the 2nd respondent, to consider the application if any filed by the petitioner for compounding and pass appropriate orders 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 with No.KL-45J/8719 and on 25.01.2014, while he was driving the lorry with ordinary earth, the 2nd respondent intercepted and seized the vehicle and registered a case as Crime

No.151/2014 of Mannuthy Police Station, alleging offences under Section 4(1) read with Section 21 of the Mines and Mineral (Development and Regulation) Act, 1957 (hereinafter called the 'Act'). Though the petitioner is prepared CrI.M.C. No.1001of 2014 2 to compound the case, as it is a compoundable offence under Section 23A of the Act read with Rule 60(A)(1) of the Kerala Minor Mineral Concession Rules, 1967, the 2nd respondent is not permitting the same. So the petitioner has no other remedy except to approach this court, to give a direction to the 2nd respondent, to receive the compounding application if any filed and pass appropriate orders under Section 482 of the Code. Hence this petition.

3. When this criminal miscellaneous case came up for hearing on admission, the counsel for the petitioner submitted that, in similar matters this court has issued such directions and he wants only similar order in this case as well. He has produced Annexure-5 for that purpose.

4. Heard the learned Public Prosecutor.

5. Learned Public Prosecutor also submitted that, similar orders can be passed in this case as well. Accordingly, this criminal miscellaneous case is disposed of, directing the 2nd respondent, who is the investigating officer CrI.M.C. No.1001of 2014 3 in Crime No.151/2014 of Mannuthy Police Station of Thrissur District, to receive and consider the application for compounding the offence if any filed by the petitioner and pass appropriate orders on the same in accordance with law, as early as possible, at any rate, within one week from the date of receipt of the copy of this judgment. With the above direction and observation, this criminal miscellaneous case is disposed of. Sd/- K. Ramakrishnan, Judge // True Copy // P.A. to Judge ss

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