

Santhosh and Others vs State of Kerala and Others

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Court : Kerala Orders

Decided On : Oct-27-2023

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Crl.Rev.Pet/213/2011

Appellant : Santhosh and Others

Respondent : State of Kerala and Others

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS FRIDAY, THE 27TH DAY OF OCTOBER 2023 / 5TH KARTHIKA, 1945 CRL.REV.PET NO. 213 OF 2011 AGAINST THE ORDER IN CMP 5/2010 OF SUB DIVISIONAL MAGISTRATE, IDUKKI REVISION PETITIONERS/COUNTER PETITIONER NOS.4,5 &7: 1 SANTHOSH N.S, S/O SAHADEVAN AGED 28 YEARS, NALATHOTTIYIL HOUSE, KEERITHODU P.O., 2 MOHANAN, S/O.PARAMESWARAN AGED 45 YEARS, PANAPARAMBIL HOUSE, KEERITHODU P.O., 3 RAJAN, SON OF VARGHESE AGED 58 YEARS, MOLEL HOUSE, NEENDAPAR P.O., NERYAMANGALAM VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT. BY ADV SRI.P.M.ZIRAJ RESPONDENTS/STATE: 1 STATE OF KERALA REPRESENTED BY

PUBLIC PROSECUTOR, HONOURABLE HIGH COURT OF KERALA, AT ERNAKULAM. 2 THE SUB DIVISIONAL MAGISTRATE IDUKKI, COLLECTORATE, KUYILIMALA, PAINAVU P.O., IDUKKI DISTRICT, PIN-685 553. 3 THE GEOLOGIST MINING AND GEOLOGY DISTRICT OFFICE, MINI CIVIL STATION, THODUPUZHA P.O., IDUKKI DISTRICT, PIN-685 584. SR PUBLIC PROSECUTOR SMT SEETHA S

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: CRL.R.P NO.213 OF 2011 2 Dated this the 27th day of October, 2023

ORDER

The revision petition is filed challenging the order

passed in CMP No.5/2010 by the Court of the Sub Divisional Magistrate, Idukki, making the conditional

order passed under Section 133 (1) (a) (b) of the Criminal

Procedure Code (in short, Code), absolute under Section 138 of the Code.

2. As per the impugned order, the learned Sub Divisional Magistrate had restrained the revision petitioners from carrying out the quarrying operations in the property in question, on the ground that it was dangerous to the environment and disturbed the ecological balance.

3. The revision petition was filed as early as on 20.1.2011.

4. Heard; Sri. P.M. Ziraj, the learned counsel appearing for the revision petitioners and the learned CRL.R.P NO.213 OF 2011 3 Public Prosecutor appearing for the respondents.

5. The learned counsel appearing for the revision

petitioners submitted that the revision petition has turned infructuous because the permit that was granted to the revision petitioners has expired. Therefore, even if

the impugned order is vacated, the revision petitioners will not be in a position to carryout the mining activity. Hence, the revision petition may be dismissed as withdrawn. The said submission is recorded.

6. In the light of the above submission, I am of the view that nothing further survives in the revision petition. Resultantly, the revision petition is dismissed as withdrawn. Sd/- C.S.DIAS, JUDGE rmm27/10/2023

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