
(2019) 05 KL CK 0022

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 3465 Of 2019

Beena Thomson

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 24-05-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 457

Citation : (2019) 05 KL CK 0022

Hon'ble Judges : Raja Vijayaraghavan V, J

Bench : Single Bench

Advocate : P.M.Ziraj, Ramesh Chand

Final Decision : Disposed Off

Judgement

1. A lorry bearing registration No.KL-38/G-5756 owned by the 1st petitioner and two HITACHI Excavators owned by the 2nd and 3rd petitioners were seized by the 2nd respondent on 06.05.2019. Immediately after seizure, the vehicles have been handed over to the 4th respondent. The grievance of the petitioners is that no crime has been registered and the seizure has not been reported to the learned Magistrate. The vehicles were seized allegedly for violating the provisions of the Kerala Minor Mineral Concession Rules, 2015, Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 and Kerala Land Conservancy Act.

2. The limited prayer in this petition is to issue necessary direction to the learned Magistrate to consider the application of the petitioners for interim custody and pass appropriate orders.

3. Having considered the submissions advanced, I direct the petitioners herein to approach the learned Magistrate and file an application under Section 457 of the Cr.P.C. If such an application is filed, the learned Magistrate shall consider the same and pass appropriate orders, expeditiously, and on its merits. Before passing orders, the learned Magistrate shall obtain a report from the concerned

Geologist.

This petition is disposed of.

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE 1 TRUE COPY OF THE MAHASSAR DATED 06.5.2019

PREPARED BY THE THIRD RESPONDENT

ANNEXURE 2 TRUE COPY OF THE ORDER DATED 27.3.2019 IN

CRL.M.C.NO.2367/2019

RESPONDENTS' EXHIBITS: