

(2024) 04 KL CK 0069

In the High Court Of Kerala

Case No : Writ Petition (C) No. 13999 Of 2024

Mohammed Shehal

APPELLANT

Vs

M/s Indusind Bank Ltd

RESPONDENT

Date of Decision : 05-04-2024

Acts Referred:

Citation : (2024) 04 KL CK 0069

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : P.M.Ziraj, Irfan Ziraj, Deepa Narayanan

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. This writ petition is filed with following prayers:

i. Issue a writ of mandamus or other appropriate writ, order or direction to the first respondent to report the seizure regarding the vehicle of petitioner bearing registration No. KL—42 –G-2391 before the second respondent to enable the petitioner to compound the offence alleged against him within a reasonable period which this honorable court may deem fit and proper in the interest of justice and circumstances of the case.

ii. Issue a writ of mandamus or other appropriate writ, order or direction to the second respondent to permit the petitioner to compound the offence alleged against him in connection with vehicle of petitioner bearing registration No. KL—42–G-2391 within a reasonable period which this honorable court may deem fit and proper in the interest of justice and circumstances of the case.

iii. Direct the second respondent to release the vehicle of the petitioner immediately after compounding the offence.

iv. Such other writ, direction or order, which deems fit and proper in the interest

of justice and the circumstances of the case.

v. Dispense with filing of translation of vernacular documents produced along with writ petition

(SIC)

2. The vehicle of petitioner was seized by the 1st respondent with an allegation of violation of the offences punishable under the provisions of Kerala Minor Mineral Concession Rules, 2015 and the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner submitted that even though he is innocent of the charges, he is prepared to compound the offence alleged against him with an intention to close the unnecessary proceedings. Hence it is submitted that the petitioner approached the 2nd respondent and expressed his willingness to compound the offence and further requested to release his vehicle after payment of compounding fee. But the 2nd respondent did not permit to compound the offence on the ground that seizure not reported before him. Hence this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. After hearing both sides, I think appropriate directions can be issued to report seizure of the vehicle to the 2nd respondent.

Therefore, this writ petition is disposed of with following directions:

1. The 1st respondent is directed to report seizure regarding the vehicle of the petitioner bearing Registration No.KL-42/G-2391 before the 2nd respondent, within two days from the date of receipt of a copy of this judgment.

2. In case the petitioner makes a request for compounding the offence before the 2nd respondent, the 2nd respondent will consider such request and pass appropriate orders, within a period of one week from the date of receipt of such request.