
(2019) 05 KL CK 0019

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 3493 Of 2019

Shaji C.B., Aged 45 Years

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 0019

Hon'ble Judges : Raja Vijayaraghavan V, J

Bench : Single Bench

Advocate : P.M.Ziraj

Final Decision : Disposed Off

Judgement

1. A lorry bearing registration No.KL-08/AP-7622 owned by the petitioner herein was seized by the 2nd respondent on 19.05.2019. The grievance of the petitioner is that no crime has been registered and the seizure has not been reported to the learned Magistrate. The vehicle was seized allegedly for violating the provisions of the Kerala Minor Mineral Concession Rules, 2015 and Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2015.

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

3. Having considered the submissions advanced, I direct the petitioner 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 I TRUE COPY OF THE MAHASSAR DATED 19.5.2019

PREPARED BY THE SECOND RESPONDENT.

ANNEXURE 2 TRUE COPY OF THE ORDER DATED 15.3.2019 IN CRL.M.C.NO.2020 OF 2019.

RESPONDENTS' EXHIBITS: