

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 27TH DAY OF DECEMBER 2013/6TH POUSHA, 1935

Cri.MC.No. 6599 of 2013

[CRIME NO.1108/2013 OF ENATHU POLICE STATION]

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PETITIONER:

**ALAGUDURAI,
S/O. THANUSKODI RAMALINGAM PILLAI,
103, KAMBANERI EAST PART,
KAMBANERI,
TENKASI – 627 757.**

BY ADV. SMT.ASHA ELIZABETH MATHEW.

RESPONDENTS/COMPLAINANT & INVESTIGATING OFFICER:

- 1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE,
POLICE STATION,
ENATHU,
PATHANAMTHITTA DISTRICT – 689 601.**

BY PUBLIC PROSECUTOR SRI. P.S. SAJEEV.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-12-2013, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Prv.

CRL.M.C. NO.6599/2013:

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE A1: COPY OF THE CERTIFICATE OF REGISTRATION OF J.C.B EXCAVATOR BEARING REGISTRATION NO.TN-76-C-1873.**
- ANNEXURE A2: COPY OF THE F.I.R. IN CRIME NO.1108/2013 OF ENATHU POLICE STATION.**
- ANNEXURE A3: THE MAHAZAR PREPARED BY THE R.2. IN RESPECT OF THE SEIZURE OF THE PETITIONER'S VEHICLE.**
- ANNEXURE A4: COPY OF THE JUDGMENT DTD. 17/12/2013 OF THIS HON'BLE COURT IN CRL.M.C. 6021/2013.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.A. TO JUDGE.

Prv.

A.V.RAMAKRISHNA PILLAI, J.

Crl.M.C.No.6599 of 2013

Dated this the 27th day of December, 2013

O R D E R

The petitioner is the registered owner of JCB Excavator bearing registration No.TN-76-C-1873 which was seized in connection with Crime No.1108/2013 of Enathu Police Station. The crime was registered for offences punishable under Sections 4 read with Section 21 of the Mines & Minerals (Development & Regulation) Act for the alleged illegal extraction and transportation of ordinary earth.

2. The learned counsel for the petitioner submits that the offence being a compoundable offence under Section 23A of the aforesaid Act, the second respondent is bound to accept the compounding petition and to compound the alleged offence. The grievance of the petitioner is that though he along with driver of the vehicle approached the second respondent for compounding the offence, the second respondent did not accept the application to compound the offence.

Considering the facts and circumstances of the case, the petition is disposed of directing the second respondent to

accept the application of the driver of the vehicle owned by the petitioner for compounding and to pass appropriate orders on the same within a period of 10 days.

A.V.RAMAKRISHNA PILLAI
JUDGE

mns/