

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 20TH DAY OF DECEMBER 2021 / 29TH AGRAHAYANA, 1943

WP(C) NO. 28935 OF 2021

PETITIONER:

MUHAMMED AJMAL
AGED 24 YEARS
S/O.ABDUL AZEEZ, PARAMBIL PEEDIKA ATTASERY, KARIMPUZHA
P.O., OTTAPALAM, PALAKKAD DISTRICT (OWNER OF TIPPER
LORRY BEARING REGISTRATION NO.KL-32-A-2836)
BY ADVS.
P.M.ZIRAJ
IRFAN ZIRAJ

RESPONDENTS:

- 1 INSPECTOR OF POLICE
NATTUKAL POLICE STATION, PALAKKAD DISTRICT, PIN 678 583
- 2 THE DISTRICT GEOLOGIST
DISTRICT OFFICE, THE DEPARTMENT OF MINING AND GEOLOGY,
PALAKKAD PIN 678 001
- 3 STATE OF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM 682 031

APPU.P.S-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20.12.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT**Dated this the 20th day of December 2021**

This writ petition is filed seeking directions to the respondents to report the seizure of the vehicle of the petitioner bearing registration No.KL-32-A-2836 to the concerned jurisdictional Magistrate for considering the request of the petitioner for effecting interim release of the same.

2. Learned counsel for the petitioner submits that the vehicle was seized on 28.11.2021 and that the records with regard to the seizure have not been forwarded to the jurisdictional Magistrate.

3. The learned Government Pleader submits that after seizure of the vehicle, the records relating to the seizure have been forwarded to the geologist on 29.11.2021.

In view of the fact that the learned counsel for the petitioner submits that the petitioner has not committed any offence and that the issue is liable to be

considered by the jurisdictional Magistrate, I am of the opinion that it is for the 2nd respondent to forward the records of the seizure of the vehicle to the jurisdictional Magistrate to enable the petitioner to submit an application for interim release of the vehicle in accordance with law.

There will, accordingly, be a direction to the 2nd respondent to forward the records of the seizure of the vehicle to the jurisdictional Magistrate within one week from the date of receipt of copy of this judgment. The petitioner is free to move the said court in accordance with law.

This writ petition is ordered accordingly.

**Sd/-
ANU SIVARAMAN
JUDGE**

SSK/20/12

APPENDIX

PETITIONER'S EXHIBITS:

Exhibit P1	TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE OF PETITIONER
Exhibit P2	TRUE COPY OF THE MAHASSAR DATED 28.11.2021 PREPARED BY THE FIRST RESPONDENT
Exhibit P3	TRUE COPY OF THE COMMUNICATION DATED 29.11.2021 ISSUED BY THE DISTRICT COLLECTOR, PALAKKAD TO THE SECOND RESPONDENT
Exhibit P4	TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT DATED 3.12.2020 IN CRL.M.C.NO.5464/2020

RESPONDENTS' EXHIBITS: **NIL**

SSK

//TRUE COPY//

PA TO JUDGE