

Cont. Case (C) No. 2553/2023

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 23RD DAY OF JANUARY 2024 / 3RD MAGHA, 1945

CON.CASE(C) NO. 2553 OF 2023

CRIME NO.1234/2023 OF TIRUR POLICE STATION, MALAPPURAM
ARISING FROM THE ORDER IN BAIL APPL.NO.9335/2023 OF HIGH
COURT OF KERALA

PETITIONER/PETITIONER:

ARSHAD K., AGED 29 YEARS,
SON OF MOIDU, KUNDANAYIL, VALANCHERY P.O., TIRUR
TALUK, MALAPPURAM DISTRICT, PIN - 676552.

BY ADVS.M/S.P.M.ZIRAJ & IRFAN ZIRAJ

RESPONDENT/RESPONDENT NO.2:

JIJO M.T., AGED 45 YEARS,
INSPECTOR OF POLICE, TIRUR POLICE STATION,
MALAPPURAM DISTRICT, PIN - 676101.

SRI.PREMCHAND R.NAIR, SR.G.P.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP
FOR ADMISSION ON 23.01.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

MOHAMMED NIAS C. P. , J.

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Cont. Case (C) No. 2553 of 2023

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Dated this the 23rd day of January, 2024

J U D G M E N T

This Contempt of Court case has been instituted alleging violation of the order of this Court dated 19.10.2023 in B.A.No.9335/2023.

2. On admission of the case, the respondent was directed to file a counter affidavit meeting the allegations raised in this petition.

3. Earlier, by Anx.A-2 order, this Court directed the petitioner to surrender before the Investigating Officer within a week, for subjecting himself to interrogation and directed that after interrogation, in the event of arrest, the petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand Only) within two solvent sureties each for the like sum to the satisfaction of the Investigating Officer. This was the order passed in the application seeking anticipatory bail by the petitioner in Crime No. 1234/2023 of Tirur Police Station, alleging offences under Section 379 of the Indian Penal Code and Sections 20 &

23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

4. The petitioner submits that, when he appeared before the Investigating Officer, as directed in the order mentioned above, he was arrayed as an accused in another crime, viz. Crime No.1351/2023, based on his alleged confession, and was arrested and produced before the Magistrate only on the next day.

5. A memo, enclosing the report of the Station House Officer, Tirur Police Station, has been filed. It is stated that after interrogation, the petitioner was arrested in Crime No. 1234/2023 and was released on bail, as directed by this Court. During interrogation, it was revealed that the petitioner is the main culprit who controls the entire illicit transportation of river sand in the area of Tirur, Valanchery, Kuttippuram and Kalpakanchery Police Station limits. Examination of the petitioner's mobile phone revealed that he was also involved in Crime No.1351/2023 of Tirur Police Station, for a similar offence which was registered on 12.10.2023 for illicit transportation of river sand. It was under such circumstances that the petitioner was arrested on 25.10.2023 and all the

four accused in the said crime were produced before the JFCM Court, Tirur, on 26.10.2023. When the petitioner was released on bail, as directed by this Court in the crime in which he was granted bail, his implication in another crime which was already registered, cannot be said to be a violation of the order of this Court. That apart, the statement notes that the petitioner has 13 other crimes against him, out of which 11 are for similar offences.

6. Under such circumstances, I do not think that the Investigating Officer has flouted the orders of this Court to continue the proceedings under the Contempt of Courts Act. I do not find any merit in this petition. Accordingly, the same is dismissed.

Sd/-

MOHAMMED NIAS C. P.,
JUDGE

MMG

APPENDIX OF CON.CASE (C) .NO.2553/2023

PETITIONER'S ANNEXURES:

ANNEXURE A1	TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NUMBER 1234 OF 2023 OF TIRUR POLICE STATION, MALAPPURAM DISTRICT
ANNEXURE A2	CERTIFIED COPY OF THE INTERIM ORDER DATED 19.10.2023 IN B.A. NO. 9335 OF 2023
ANNEXURE A3	TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NUMBER 1351 OF 2023 OF TIRUR POLICE STATION, MALAPPURAM