

No. U5/108508/09
Police Headquarters
Kerala, Thiruvananthapuram
Dated: 8 .02.2010.

Circular No. 6/2010

Sub:- Abkari Act – Cases involving vehicles - Transfer of case files – Further direction issued – Reg.

Ref:- 1. PHQ Circular No. 28/1983
2. PHQ Circular No. 10/2001
3. Judgment dtd. 01.12.09 of Hon'ble High Court of Kerala in WP(C) 32285 of 2009.
4. PHQ Circular No. 2/2010.

01. Pursuant to the judgment dated 01.12.09 of Hon'ble High Court of Kerala in WP(C) No. 32285/09, directions have been issued to all concerned regarding the handing over of the vehicles seized under Abkari Act to the Deputy Commissioner of Excise having jurisdiction of the area immediately after preparing records of the seizure vide reference cited as 4 above.

02. On further examination of the judgment of the Hon'ble High Court, it is seen that the Hon'ble High Court through its order "Director General of Police is directed to issue necessary instructions requiring every Police Officer in the state to ensure that the files in relation to Abkari Offences or detection are passed to the Abkari officials at the earliest at any rate within a fortnight"..... has mandated the transfer of the concerned cases also to the Excise Department. Moreover under Section 30(A) of the Abkari (Amendment) Ordinance 2009 Abkari Officers have been vested with powers similar to that of Police Officers for the purpose of investigation of offences.

03. In the light of these it is instructed that where cases involving seizure of vehicles are registered under the Abkari Act by any Police Officer the investigation of the case should be handed over to the Assistant Excise Commissioner having jurisdiction of the area at the earliest and in any case not later than a period of 14 days of the registration of the case. The

vehicles seized in such cases have to be handed over to the Deputy Commissioner of Excise having jurisdiction on the area. Regarding liquor which can be separated from the vehicle as thondy articles the procedure prescribed in Circular 02/2010 wherein they should be produced before the Court and report for disposal filed to the Authorised Officer for action under section 53(A), should be followed.

04. This order shall come into effect with effect from 01.03.2010 and will apply to all pending cases as well as new cases. Government and Excise Department have been informed about the proposed change in procedure as mandated by the Hon'ble High Court of Kerala.

Sd/-

Director General of Police