

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Cr1.MC.No. 5532 of 2015 ()

CMP 2712/2015 of JUDICIAL FIRST CLASS MAGISTRATE'S
COURT, ADIMALY
CRIME NO. 14/2015 OF DEVIKULAM FOREST RANGE OFFICE, IDUKKI

PETITIONER/RESPONDENT:

BEERAMMA IBRAHIM, AGED 82 YEARS,
W/O. IBRAHIM MYTHEEN, VARAPPILIKUDIYIL,
MANAGAPPARA KARA, KUNJITHANNY VILLAGE,
DEVIKULAM TALUK.

BY ADVS. SRI. SUMAN CHAKRAVARTHY
SMT. K. R. RIJA
SMT. BREJITHA UNNIKRISHNAN

RESPONDENT/STATE:

THE STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682 031.

BY SPECIAL PUBLIC PROSECUTOR SRI. M. P. MADHAVANKUTTY FOR FOREST

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
27-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 5532 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A: COPY OF THE PETITION IN CMP 2712/2015.

ANNEXURE-B: COPY OF THE OBJECTION TO ANNEX A.

ANNEXURE-C: COPY OF THE ORDER DATED 27.7.15 IN CMP 2712/15
IN ORDER 14/15 DEVIKULAM FOREST RANGE.

RESPONDENT'S ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/29/10/15

B.KEMAL PASHA, J.

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Crl.M.C. No. 5532 of 2015

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Dated this the 27th day of October, 2015

ORDER

The petitioner has sought for the release of timber pieces involved in O.R.No.14 of 2015 of the Devikulam Forest Range, through C.M.P.No.2712 of 2015. The court below has dismissed the said C.M.P. through Annexure-C. The proceedings have been initiated against the petitioner under Section 5 of the Kerala Preservation of Trees Act, 1986.

2. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for Forest.

3. As per Section 15 of the Kerala Preservation of Trees Act, 1986, upon receipt of a report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the timber etc. Here, in this particular case, the petitioner is the person entitled to have the custody of the property. The forest officials have valued the timber at ₹1,05,000/-.

4. On hearing either side, this Court is of the view that an order under Section 457 Cr.P.C. read with Section 15 of the Kerala Preservation of Trees Act, 1986 can be passed in favour of the petitioner on conditions:

In the result, this Crl.M.C. is allowed and Annexure-C order is quashed. C.M.P.No.2712 of 2015 of the court below stands allowed. The timber involved in O.R.No.14 of 2015 of the Devikulam Forest Range shall be released to the petitioner on her executing a bond for ₹1,05,000/- (Rupees One Lakh Five Thousand only) with two solvent sureties for the like sum each to

the satisfaction of the court below. The sureties shall deposit the attested copies of their title deeds to show that their properties are worth ₹1,05,000/-.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/27/10/15

// True Copy //

P.A. To Judge