

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Cri.MC.No. 5602 of 2015

**C.C.NO.702/2014 OF JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,
MANANTHAVADY**

PETITIONER(S)/ACCUSED :

**THOMAS ALEXANDER,
MANAGING DIRECTOR,
INTEGRATED ECO RESORTS AND FARMS PRIVATE LIMITED,
K.K.BUILDING, KUMARAPURAM,
MEDICAL COLLEGE P.O, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA**

RESPONDENT(S) :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 011,
REPRESENTING THE ASSISTANT WILD LIFE WARDEN ,
TOLPETTY (WILD LIFE) RANGE, WAYANAD - 670 646.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE-A1:** TRUE COPY OF MAHAZAR (FIRST REPORT) IN
O.R.NO.1/2008 OF THOLPETTY RANGE DATED 14.05.2008.
- ANNEXURE-A2:** TRUE COPY OF SCENE MAHAZAR IN O.R.NO.1/2008 OF
THOLPETTY RANGE DATED 14.05.2008.
- ANNEXURE-A3:** TRUE COPY OF THE STATEMENT OF THE 1ST ACCUSED IN
O.R.NO.1/2008 OF THOLPETTY RANGE DATED 17.06.2008.
- ANNEXURE-A4:** TRUE COPY OF THE CHARGE SHEET IN O.R.NO.1/2008 OF
THOLPETTY RANGE DATED 14.05.2008.
- ANNEXURE-A5:** TRUE COPY OF THE JUDGEMENT OF THE JUDICIAL FIRST
CLASS MAGISTRATE'S COURT NO.II, MANANTHAVADY IN
C.C.NO.167/2011 DATED 28.08.2014.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Dated this the 20th day of August, 2015.

ORDER

The petitioner herein is the original 2nd accused in Anx-A4 final report/charge sheet filed in O.R.No.1/2008 of Tholpetty Range registered for offences punishable under Sec.27(1)(e)(iii) of the Kerala Forest Act, 1961. The prosecution allegation is that the 1st accused took a tractor proclain through forest truck path to the agricultural property owned by a Company of which the petitioner is the Managing Director. The petitioner was not served with any summons and the case against him was split up. The 1st accused was tried and found not guilty by the trial court as per Anx-A5 judgment in C.C.No.167/2011 on the file of the Judicial First Class Magistrate Court-II, Mananthavady. The case against the petitioner is now pending as C.C.No.702/2014 on the file of the above said court. It is the specific case of the petitioner that the substratum of the prosecution case has been shattered by the

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acquittal of the co-accused as per Anx-A5 judgment. It is in the light of these aspects that the prayer for quashment of the impugned criminal proceedings has been made by the petitioner in the instant Crl.M.C.

2. On a close scrutiny of the evidence on record, the court below held that the prosecution has no case that accused had done anything with any tree standing, fallen or felled in the Reserve Forest or in a land proposed to be constituted as a Reserve Forest and the prosecution witness admitted that no damages were caused to the Forest Department due to the act of the accused and the prosecution has failed to prove the charge levelled against the accused. From a reading of Anx-A5 judgment it can be seen that the substratum of prosecution case has been shattered by the acquittal of the co-accused. No meaningful purpose will be subserved by prolonging the agony of the impugned criminal proceedings now pending against the petitioner. Any further continuance of the impugned criminal proceedings would amount to mere wastage of precious resources of the State including that of the judiciary.

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3. In this view of the matter, it is ordered in the interest of justice that the impugned Anx-A4 final report/charge sheet filed in O.R.No.1/2008 of Tholpetty Range, which is now pending as C.C.No.702/2014 on the file of the Judicial First Class Magistrate Court-II, Mananthavady, and all further proceedings arising therefrom pending against the petitioner herein stand quashed under Sec.482 of the Code of Criminal Procedure.

With these observations and directions, this Crl.M.C stands disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-