

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Crl.MC.No. 6088 of 2015

**CC 465/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THAMARASSERY
CRIME NO. 11/1994 OF THAMARASSERY FOREST RANGE OFFICE , KOZHIKODE**

PETITIONER(S)/ACCUSED:

**M.MOHAMMEDKUTTY, AGED 44 YEARS,
S/O.ALIKUTTY, MANKUNNUMAL HOUSE, KOODARANHI.P.O.,
KOZHIKODE DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S)/STATE:

- 1. THE FOREST RANGE OFFICER,
THAMARASSERY RANGE, KOZHIKODE DISTRICT.673 001.**
- 2. STATE OF KERALA, (RESPONDENTS 1 & 2)
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.682 031.**

BY SPECIAL PUBLIC PROSECUTOR SRI.MADHAVANKUTTY

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1- TRUE COPY OF THE COMPLAINT IN C.C.NO.465/2015 ON THE FILE OF
THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE II,
THAMARASSERY.**

**ANNEXURE A2- A TRUE COPY OF THE JUDGMENT DATED 19.5.2005 PASSED BY THIS
HON'BLE COURT IN O.P.9478/1995.**

**ANNEXURE A3- A TRUE COPY OF THE ORDER DATED 24.3.2011 PASSED BY JUDICIAL
FIRST CLASS MAGISTRATE II THAMARASSERY IN C.C.96/1997.**

**ANNEXURE A4- A TRUE COPY OF THE ORDER DATED 24.3.2012 PASSED BY JUDICIAL
FIRST CLASS MAGISTRATE II, THAMARASSERY IN C.C.160/2011.**

RESPONDENT(S)' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

.....
Crl.M.C. No. 6088 of 2015

.....
Dated this the 15th day of September, 2015

ORDER

C.C.465/15 has arisen from OR No.11/94 of the Thamarassery Forest Range. The crime was registered by alleging that some pieces of timber, which were forest produce, were transported by a jeep. Confiscation proceedings were initiated in respect of the said jeep. Ultimately in CMA 134/1994 the District Court, Kozhikode found that the same were not forest produce and thereby the confiscation proceedings were dropped. The said judgment passed by the District Court, Kozhikode was later confirmed by this Court in OP 9478/95. The petitioner is the 5th accused in the OR. Consequent to the finding that any forest produce was not transported, the other accused

except the petitioner were discharged by the court below. The case against the petitioner alone was split up and presently the same is pending as C.C.No.465/2015 before the Judicial First Class Magistrate's Court-II, Thamarassery. The same is sought to be quashed.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the Forest.

3. On hearing both sides and on considering the facts and circumstances noted above, this Court is satisfied that there is no point in proceeding with the matter further as against the petitioner herein, when no forest produce has been found transported. The charge against the petitioner is not sustainable and therefore, Annexure A1 final report and all further proceedings based on it in C.C.No.465 of 2015 of the Judicial First Class Magistrate's Court-II, Thamarassery are liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure A1 final report and all further proceedings based on it in

CRL.M.C.No. 6088 of 2015

-: 3 :-

C.C.No.465 of 2015 of the Judicial First Class Magistrate's
Court-II, Thamarassery are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge