

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.33978 of 2012

ORDER:

The grievance of the petitioner was that the police authorities were harassing him by implicating him in false criminal cases so as to extract money.

The Sub-Divisional Police Officer, Gudur Sub Division, SPSR Nellore District, filed additional counter-affidavit dated 24.08.2015 wherein he detailed several criminal cases in which the petitioner was involved.

1) Crime No.148 of 2012 was registered against the petitioner under Section 379 IPC read with Section 29 of the Andhra Pradesh Forest Act, 1967 (for brevity 'the Act of 1967'), and Sections 7, 24 and 55 of the Biological Diversity Act, 2002 (for brevity 'the Act of 2002') on the file of Venkatagiri Police Station, SPSR Nellore District. This case was stated to be pending trial vide C.C.No.208 of 2012 on the file of the learned Judicial Magistrate of First Class, Venkatagiri.

2) Crime No.39 of 2012 was registered under Section 379 IPC read with Section 29 of the Act of 1967 and Sections 7, 24 and 55 of the Act of 2002 on the file of Ozili Police Station, SPSR Nellore District. This case was also stated to be pending trial in C.C.No.146 of 2015 before the learned Judicial Magistrate of First Class, Venkatagiri.

3) Crime No.53 of 2012 was registered under Section 379 IPC read with Section 29 of the Act of 1967 and Sections 7, 24 and 55 of the Act of 2002 on the file of Dakkili Police Station, SPSR Nellore District. This case was transferred to the Forest Department and was continued vide DOR No.2/13-14.

4) Crime No.145 of 2012 was registered under Section 379 IPC read with Section 29 of the Act of 1967 and Sections 7, 24 and 55 of the Act of 2002 on the file of Naidupet Police Station, SPSR Nellore District. This case was also transferred to the Forest Department and

was continued vide DOR No.29/13-14.

Apart from the aforestated offences, the petitioner was also facing trial in C.C.Nos.328 of 2010, 11 of 2014 and 274 of 2012 before the learned Judicial Magistrate of First Class, Venkatagiri. Two more forest offences, being DOR Nos.04/2014-15 and 07/2014-15, were stated to be under investigation. The Sub-Divisional Police Officer further stated that the petitioner was involved in the smuggling of red sanders wood.

In the light of the aforestated averments which remain unrebutted as the petitioner did not choose to file a reply-affidavit, it is clear that the petitioner is facing trial before the competent criminal Courts in various cases. It is therefore not open to him at this stage to claim that he has been implicated in false cases. He would necessarily have to prove his innocence before the competent criminal Courts by putting forth his defence.

No intervention is therefore called for at this stage in this writ petition.

The writ petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date:22.09.2015
GJ