

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1316 OF 2016

ORDER:

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This Criminal Petition is filed by A.2 under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C.No.123 of 2014 pending on the file of Judicial First Class Magistrate, Tekkali, Srikakulam District registered for the offences punishable under Sections 9, 20(1)(c)(ii)&(iii) and Section 20(1)(d) of Andhra Pradesh Forest Act, 1967.

The petitioner herein is the Deputy Executive Engineer, Panchayat Raj, Irrigation Division, Sub-Division, Narasannapeta of Srikakulam District. Admittedly, the complaint was lodged by the Forest Range Officer, Pathapatnam. The main allegation is that some of the staff attached to the office of the petitioner herein were found cleaning the area of forest for formation of road, without the sanction of the Forest Officer, who is the complainant herein. Admittedly, the petitioner herein was not present at the time of cleaning of the said place as alleged in the complaint. Even assuming for a moment that the staff of the petitioner acted upon the direction of the petitioner, this Court is of the view that such an act of cleaning the area of forest would not attract the offence as alleged against the petitioner. Hence, the impugned proceedings are liable to be quashed.

In the result, the Criminal Petition is allowed and the proceedings in C.C.No.123 of 2014 pending on the file of Judicial First Class Magistrate, Tekkali, Srikakulam District are hereby quashed as against the petitioner herein.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

06.04.2016

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