

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.646 OF 2017

ORDER:

The grievance of the petitioner herein is to set aside the order, dated 11.08.2016 passed by the learned VIII Additional District and Sessions Judge, Chittoor in C.R.P. No.41 of 2016, whereby and where-under he has set aside the order, dated 20.02.2016, passed by the learned III Additional Judicial Magistrate of First Class, Chittoor in CrI.M.P. No.724 of 2016 in Cr. No.32 of 2015 of Chittoor Taluk Police Station releasing the vehicle (Car) bearing registration No.TN 88H 8888.

The petitioner herein seeks this Court to exercise the power under Section 482 of the Code of Criminal Procedure, 1973.

Sri M. Achutha Reddy, learned counsel for the petitioner, would urge that the learned Revisional Court - VIII Additional District and Sessions Judge, Chittoor, was not justified in setting aside the order of the learned Magistrate - III Additional Judicial Magistrate of First Class, Chittoor and, therefore, requests this Court to set aside the order of the learned Revisional Court and affirm the order passed by the learned Magistrate and to release the vehicle.

The learned Additional Public Prosecutor appearing for the State of Andhra Pradesh would resist the request on the ground that a

Forest Officer is designated under Special Statute by virtue of provisions of Section 44 (2) of the Andhra Pradesh Forest Act, 1967 and, therefore, it is beyond the purview of this Court to exercise such a power to quash the order passed by the Revisional Court.

There is every merit in the submission made by the learned Additional Public Prosecutor, as the Forest Officer under the provisions of the special Statute alone is the competent authority to adjudicate upon the controversy, but not the Courts including this Court.

Therefore, the present Criminal Petition is dismissed at the admission stage itself. As a sequel thereto, Miscellaneous Petitions, if any, pending in the petition, stand closed.

January 30, 2017.
Mgr

A. SHANKAR NARAYANA, J