



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.15795 of 2016

Paranjothi

... Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul.
2. The Superintendent of Police,
Dindigul District, Dindigul.
3. The Tahsildar,
Dindigul Taluk, Dindigul District.
4. The District Forest Officer,
Dindigul District, Dindigul.
5. The Forest Range Officer,
Dindigul District.
6. The Forester,
Kannivadi Forest Circle,
Dindigul District.
7. The Forest Guard,
Kannivadi Forest Circle,
Dindigul District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to pass an order to the fourth respondent to direct the fifth respondent to return the petitioner's gun bearing license No.184/2 D G L II, seized on 29.06.2014 in Forest Crime No.4 of 2014 (on the file of the Forest Range Officer, Dindigul District, Dindigul) which is detained illegally without following due process of law, based on the representation to the fourth respondent by the petitioner dated 18.03.2015.

For Petitioner

: Mr.T.Selvam

For Respondents

: Mr.S.Bharathi

Government Advocate

**O R D E R**

This Criminal Original Petition has been filed for a direction to the fifth respondent to return the gun belonging to the petitioner which was illegally taken from him on 29.06.2014.

2.The learned counsel appearing for the petitioner would submit that the fifth respondent seized the petitioner's gun without any authority and further imposed fine of Rs.25,000/-each to the petitioner, his son and his son-in-law. The total amount of Rs.75,000/- was paid. It is the further case of the petitioner that this amount has not been brought on account in spite of a receipt being issued by the fifth respondent in this regard. It is further case of the petitioner that no First Information Report has been registered and no order has been obtained from the Court and the petitioner has to renew his licence for the gun.

3.The petitioner has also given a representation in this regard to the fourth respondent on 18.03.2015. Since no action has been taken, the petitioner has filed this present Petition.

4.The learned Government Advocate on instructions would submit that the gun was seized from the petitioner, since the petitioner and two others were involved in the offences under Sections 21 (d) and (h) of Tamil Nadu Forest Act.

5.The learned counsel also brought to the notice of this Court proceedings of the District Forest Officer dated 23.05.2018, wherein, the said District Forest Officer has informed that a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each was received as fine from the petitioner and two others and the same has been accounted in the Government Treasury. That apart, it has also been mentioned that since the offences have been committed as mentioned above, the said gun has become material object in the case and the same cannot be returned back to the petitioner. The District Forest Officer has further submitted that since the gun itself has been seized and taken back by the Government, the license given to the petitioner must also be cancelled.

6.In view of these developments, the present petition filed by the petitioner before this Court is not maintainable. The petitioner has to work out his remedies before the appropriate authorities in order to defend his case and in order to prove his



innocence.
7.This Criminal Original Petition is dismissed with the above directions.

Sd/-
Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The District Collector,
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 6. The Forester,
Kannivadi Forest Circle,
Dindigul District.
 7. The Forest Guard,
Kannivadi Forest Circle,
Dindigul District.
- + 1 CC TO Mr.T.SELVAM, ADVOCATE IN SR No. 84553

TSG
TE/PM/SAR-3 : 25/10/2018 : 3P/9C

Cr1.O.P. (MD) .No.15795 of 2016
17.09.2018