

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.8120 of 2017

ORDER:

This petition is filed by the petitioner/accused under Section 482 Cr.P.C seeking to quash the proceedings against him in Crime No.17 of 2017 of Penchikalpet PS, Komarambheem District, which was registered for the offences under Sections 341 and 353 IPC.

- 2) Investigation is reported to be pending.
- 3) The Forest Range Officer, Bejjur, lodged a complaint with the Police of Penchikalpet PS, stating that the Forest Section Officer, Sulugupally of Bejjur Range, reported to him that on receiving the information that some illegal ploughing was being conducted with a Tractor on 11.06.2017, he along with another Forest Section Officer and staff proceeded to compartment No.227 of Bejjur Reserve Forest Block in Sulugupally Shivar and observed some portion of Forest land was ploughed. Subsequently, they came to know the hand of the accused and some others in the act of illegal ploughing of forest land. Hence he registered a case for illegal ploughing in Reserve Forest and issued a Preliminary Offence Report by drawing panchanama under Sections 20 (1)(c), (ii), (iii), (iv), (vii), 44 r/w 20 (1) (d) (ii) of A.P Forest Act, 1967. It is the further case of the complainant that while bringing the tractor involved in the Forest Offence, the Forest Section Officer was obstructed near Kondapally village by the petitioner/accused, Soyam Mahesh

(tractor driver), Sri Talandi Mallesh and others by pelting stones on the Forest Officials. Hence the report. The case was registered as Crime No.17 of 2017 by Police of Penchikalpet PS, Komarambheem District, for the offences under Sections 341 and 353 IPC and investigation is reported to be pending.

4) Heard Sri Balla Ravindranath, learned counsel for petitioner and learned Addl. Public Prosecutor for the State (Telangana).

5) Denying the allegations it is contended by learned counsel for petitioner that the petitioner and others are Scheduled Tribes and since last 30 years they have been cultivating the Forest Lands and though the Government issued forest right certificates to them, the forest officials have been harassing them by interfering with their cultivation and also beating them.

6) As can be seen from the complaint allegations, there is a strong *prima facie* accusation. Whether the petitioner/accused and his ilk have been cultivating the Reserve Forest lands legally or illegally can be determined only after a full-fledged investigation. Hence, it is not apt to quash the proceedings at this stage. Therefore, the investigation shall continue to its logical end to exhume the truth. However, having regard to the nature of the offence, the Investigating Officer shall strictly follow the procedure contemplated under Section 41-A Cr.P.C during the course of investigation. In his turn, the petitioner/accused shall cooperate

with the investigating agency for smooth completion of the investigation.

7) Accordingly, this Criminal Petition is disposed of.

As a sequel, miscellaneous applications pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 29.03.2018

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