

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 665 of 2014

Sajua@ Sahajan Khan@ Sahajahan* *Petitioners
Khan and another

Mr. Satyabrata Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. Ishwar Mohanty

Additional Standing Counsel

**CORAM:
THE CHIEF JUSTICE**

ORDER
05.08.2022

Order No.

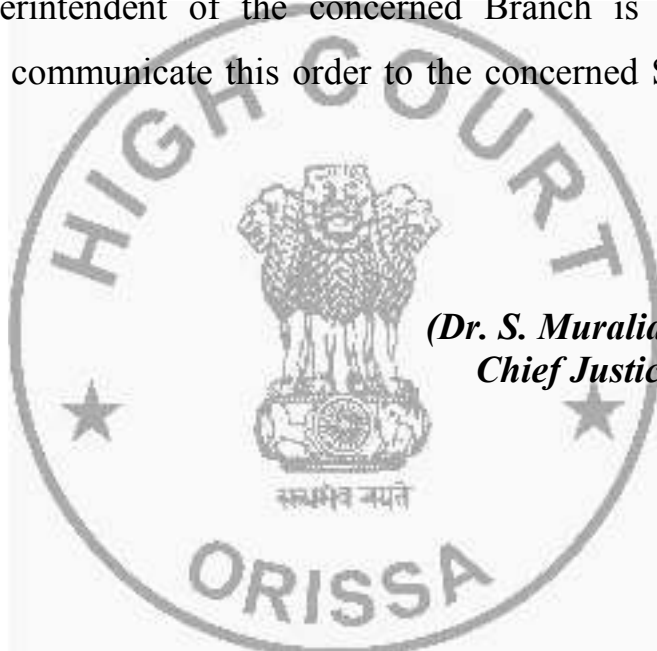
08. 1. On perusal of the FIR in the present case, it is seen that it is entirely about the Petitioners carrying Kendu leaves from one place to the other. Under Section 16 of the Orissa Kendu Leaves (Control of Trade) Act, 1961 (OKLCTA), no cognizance of the offence thereunder can be taken except on a report in writing by the Forest Officer.
2. In order to avoid this procedure, it appears that an FIR has been registered under Sections 379/411/34 read with Section 111 of the OKLCT Act. Clearly, this could not have been done without a report of the Forest Officer not below in the rank of a Divisional Forest Officer or any other Officer authorized in that behalf by the Government.

3. For the aforementioned reason, the impugned FIR in Charmal P.S. Case No.1 of 2014 corresponding to G.R. Case No.5 of 2014 in the Court of the S.D.J.M., Rairakhol and all proceedings consequent thereto are hereby quashed.

4. The CRLMC is disposed of in the above terms. The interim order passed earlier is hereby vacated.

5. The Superintendent of the concerned Branch is directed to immediately communicate this order to the concerned Subordinate Court.

S. Behera



(Dr. S. Muralidhar)
Chief Justice