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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:24.03.2022
CORAM:
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
Crl.O.P(MD)No.15131 of 2020
and
Crl.M.P(MD)Nos.5405, 7267 and 7268 of 2020

1.U.M.G.George
2.Goerge Thomas
3.George Alexander
4.George Jacob
5.Krishnakumar
6.Alagesan ... Petitioners/Accused Nos.1 to 6

Vs.

The Forest Ranger,
Azhagiyapandiyapuram Range,
Kanyakumari District. ... Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in C.C.No.1/2011 on the file of the Special Court for Forest Offences Cases, Nagercoil, Kanayakumari District and quash the same.

For Petitioners : Mr.D.Saravanan
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the final report filed in C.C.No.1 of 2011 on the file of the Special Court for Forest Offence Cases, Nagercoil, Kanyakumari District, for the offence under Sections 3(1)(a), 3(2) of the Tamilnadu Preservation of Private Forest Act, 1949.

2. The crux of the charge against the petitioners is that without getting permission from the Committee constituted under the said Act, the petitioners had removed valuable trees from the private forest notified under the Act.

3. The learned counsel appearing for the petitioners would submit that the sanction to initiate proceedings against the petitioners is not properly accorded by the District Collector and otherwise, it is the contention that only two of the members have signed in the sanction and his further contention is that the Tahsildar has given a certificate that the trees are fallen trees and there was no removal of trees by the petitioners. Hence, seeks

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to quash the entire final report.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose the petition on the ground that in similar set of facts on earlier occasion, the petitioners filed petitions to quash the proceedings in Crl.O.P(MD)No.5540 of 2012 and 16883 of 2011. This Court by order dated 02.07.2018, declined to quash the proceedings. Therefore his contention is that second quash petition is not maintainable on similar grounds.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. As rightly pointed out by the learned Additional Public Prosecutor, on the earlier occasion, the quashment of final report was sought on the ground that no sanction was accorded for initiating proceedings against the petitioners. The above ground was not accepted by this Court and dismissed the quash petitions. Now the contention of the petitioners that the District Collector alone signed the sanction letter, which is not permissible under the Act. Otherwise, only the Committee referred under the Act is competent to accord sanction.

7. This Court is of the view that mere error in according sanction is not a ground to quash the entire proceedings. It is also brought to the notice of this Court that the witnesses were already examined and the matter is now posted before the trial Court for examining the accused under Section 313 of Cr.P.C. Such being the situation as the trial had already completed, it is for the trial Court to appreciate the evidence and find out whether the offence has been made out or not. It is within the domain of the trial Court to consider the defence raised by the petitioners.

8. In the result, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Record)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Pm

To:

1.The Special Court for Forest Offences Cases,
Nagercoil, Kanayakumari District.

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2.The Forest Ranger,
Azhagiyapandiyapuram Range,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.SARAVANAN, Advocate (SR-14394[F] dated 25/03/2022)

Crl.O.P(MD)No.15131 of 2020
24.03.2022

RD(13.04.2022) 3P 5C

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