



Crl.O.P.(MD) No.10208 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

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THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.10208 of 2021

and

Crl.M.P.(MD) Nos.5228 & 5229 of 2021

N.Sivakumar

... Petitioner

Vs.

The Forest Ranger,
Forest Range Office,
Ayyalur Range,
Ayyalur,
Dindigul District,
WLOR.No.02 of 2019.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records pertaining to the Charge Sheet in C.C.No.136 of 2020 on the file of the learned Judicial Magistrate, Oddanchatram and quash the same.

For Petitioner : Mr.N.Sathish Babu

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

Seeking to quash the final report in C.C.No.136 of 2020 on the file of the learned Judicial Magistrate, Oddanchatram, the present Criminal Original Petition is filed.

2. The respondent is the Forest Range Officer, Ayyalur Range and laid a final report in C.C.No.136 of 2020 before the Judicial Magistrate Court, Oddanchatram against the petitioner/accused for the offences punishable under Sections 2(16)(a)(b)(c)(17)(36), 9, 39, 50, 51 & 52 of the Wildlife (Protection) Act, 1972.

3. The case of the prosecution is that the present petitioner/accused killed a Monitor Lizard and hanged the same in the front portion of his house.

4. Mr.N.Sathish Babu, learned counsel for the petitioner would contend that the Forest Ranger is not a competent authority to lay the final report before the Judicial Magistrate Court, Oddanchatram. According to him, the Forest Ranger found only a dead Monitor Lizard tied in the front



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portion of the petitioner's house and the petitioner/accused is no way connected with the present crime. He therefore prayed for quashing the final report filed by the respondent.

5. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Crl. Side) appearing for the respondent would contend that the Forest Ranger is the competent authority to lay the final report and pressed into service G.O.Ms.No.63, Environment and Forests (FR.5) Department, dated 05.07.2006 which reads thus:

In exercise of the powers conferred by clause (b) of Section 55 of the Wildlife (Protection) Act, 1972 (Central Act 53 of 1972) and in supersession of the Environment and Forest Department Notification No. 11(2)/EFR/6590/88 published at Page 859 in Part II-Section 2 of the Tamilnadu Government Gazettee, dated the 30th November 1988, the Governor of Tamil Nadu hereby authorises all the officers not below the rank of Rangers in the State Forest Department to lay complaints before the competent courts for taking cognizance of offences committed against the said Act.



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6. His further contention is that the Forest Ranger after getting intimation went to the house of the petitioner/accused and found the dead Monitor Lizard in the petitioner's house and his investigation revealed that the petitioner/accused killed the Monitor Lizard and tied it in the front portion of his house. His further contention is that the petitioner/accused has given a confession before the Forest Ranger. The post-mortem of the Monitor Lizard also reveals that the Monitor Lizard was strangled.

7. A perusal of G.O.Ms.No.63, Environment and Forests (FR.5) Department, dated 05.07.2006 clearly shows that the Forest Ranger is empowered to file a private complaint before the Judicial Magistrate. The contention of the learned counsel for the petitioner/accused that somebody had killed the Monitor Lizard and the petitioner/accused is no way connected with the crime cannot be gone into in the present Criminal Original Petition as it requires a detailed trial. The case is also pending and now stands posted for examination of evidence on the side of the complainant. The truth or otherwise of the allegations of the petitioner can be decided only after a full trial. In other words, it is a disputed question of facts.



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WEB COPY 8. In the circumstances, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petitions are closed.

01.02.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

To

- 1.The Judicial Magistrate,
Oddanchatram.
- 2.The Forest Ranger,
Forest Range Office,
Ayyalur Range,
Ayyalur, Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA, J.

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