HC-KAR
NC: 2026:KHC:59970
CRL.P No. 13852 of 2026
CNR: KAHC010615892026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 13852 OF 2026

BETWEEN:

1. MR.B.S.RAMESH,
   S/O B M SOMEGOWDA,
   AGED ABOUT 69 YEARS,
   PERMANENTLY RESIDING AT BANAL VILLAGE,
   NELAGHALLI POST HANBAL HOBLI,
   SAKALESHPURA TALLUK, HASSAN DISTRICT,
   KARNATAKA 573165.

2. MR. BR SACHIN,
   S/O B S RAMESH,
   AGED ABOUT 41 YEARS,
   PERMANENTLY RESIDING AT
   BANAL VILLAGE, NELAGHALLI POST
   HANBAL HOBLI, SAKALESHPURA TALLUK,
   HASSAN DISTRICT,
   KARNATAKA 573165.

...PETITIONERS

(BY SRI ADITH S JAHGIRDAR.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   BY RANGE FOREST OFFICER,
   SAKLESHPUR RANGE,
   HASSAN DISTRICT, KARNATAKA.
   REP. BY THE LEARNED HIGH COURT
   GOVERNMENT PLEADER, BANGALORE.

2. THE ASSISTANT CONSERVATOR OF FORESTS,
   SAKLESHPUR SUB-DIVISION,
   HASSAN DISTRICT, KARNATAKA - 573134

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RAMNATH HEGDE

REP. BY STATE PUBLIC PROSECUTOR.

…RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO 1.QUASH THE REQUESTION LETTER DATED 10.06.2026 BEARING LETTER NO.07/2026-27-6-1 ISSUED BY THE OFFICE OF THE RANGE FOREST OFFICER, SAKLESHPUR (ANNEXURE-A) AND 2.QUASH THE ORDER DATED 10.06.2026 PASSED BY THE HONBLE CIVIL JUDGE AND J.M.F.C SAKALESHPURA IN NO.7/2026-2027 OF RANGE FOREST OFFICER, SAKALESHPURA UNDER SEC.33(2)(ii),33(2)(iii),33(2),(iii-a) AND 104 OF THE KARNATAKA FOREST ACT 1963 AND RULE 25(2) AND 43 OF THE KARNATAKA FOREST RULES 1969 (ANNEXURE-B) AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional State Public Prosecutor appearing for the respondents.

2. This petition is filed to quash the order dated 10.06.2026 issued by Office of Range Forest Officer, Sakleshpura and quash the order dated 10.06.2026 passed by the JMFC, Sakleshpura in Proceeding No.7/2026 for the

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alleged offence under Sections 33(2)(ii), 33(2)(iii), 33(2)(iii)(a) and 104 of the Karnataka Forest Act, 1963 ('Act of 1963') and Rule 25(2) and 43 of the Karnataka Forest Rules, 1969 ('Rules, 1969') and the prayer is also to quash the intimation letter bearing No.7/2026-27 dated 10.06.2026 issued by the Range Forest Officer.

3. Learned counsel for the petitioners would submit that assuming that, the petitioners were in possession of a portion of the forest land, the same does not amount to an offence, as no such offence is prescribed under the Act of 1963. In support of his contention, learned counsel would refer to the judgment of the Co-ordinate Bench of this Court in ***C.H. Srinivas and Others vs. State of Karnataka***[1].

4. Learned Additional State Public Prosecutor does not dispute the fact that in Crl.P.No.201608/2022, the Court has taken a view that, unauthorized occupation in the Reserve Forest will not amount to criminal offence under the

[1] ***Criminal Petition No.201608/2022***

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Act of 1963, as no such offence is prescribed under the Act of 1963.

5. Since no such penal provision is found in the Act of 1963, the Court is of the view that the proceedings are to be quashed.

6. However, this does not mean that the petitioners can continue to occupy the property. In case, petitioners are found in occupation of the property, the Forest officials are at liberty to take such action to evict the petitioners or any such other action as provided under law.

7. Hence, the following:

ORDER

(i) The Criminal Petition is ***allowed***.

(ii) The impugned order dated 10.06.2026 issued by Office of Range Forest Officer, Sakleshpura, the order dated 10.06.2026 passed by the JMFC, Sakleshpura in Proceeding No.7/2026 and the intimation letter bearing No.7/2026-27 dated

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10.06.2026 issued by the Range Forest officer are quashed.

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(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 1 Sl No.: 50