

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 30TH JULY 2010 / 8TH SRAVANA 1932

Crl.MC.No. 2835 of 2010()

CRMP.969/2010 of SESSIONS COURT, PATHANAMTHITTA

PETITIONERS: ACCUSED

1. IBRAHIM, AGED 58 YEARS,
S/O.MEERASAHI, EETTIMOOTTIL,
MULANTHARA LAKSHAM VEEDU,
ARUVAPPULAM VILLAGE.

2. ABOOBACKER, AGED 52 YEARS,
S/O.CHINNATH KHAN, MULANTHARA LAKSHAM VEEDU,
ARUVAPPULAM VILLAGE.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS:

1. THE DEPUTY RANGER,
KUMARAMPEROOR NORTH FOREST STATION,
PATHANAMTHITTA DISTRICT.

2. THE FOREST RANGE OFFICER,
KONNI FOREST RANGE.

3. THE STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

PUBLIC PROSECUTOR SRI.C.S.HRITHIK

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/07/2010, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.RAMKUMAR, J.

Crl.M.C.No.2835 of 2010

Dated this the 30th day of July, 2010

ORDER

Petitioners, who are the accused in O.R.No.1 of 2010 of North Kumaramperoor Forest Station for an offence punishable under Section 27(1)e(iii) & (iv) of the Kerala Forest Act, 1961, seek to quash the entire proceedings in OR.1/2010 of North Kumaramperoor Forest Station.

2. It is too early for this Court, in a petition under Section 482 Cr.P.C, to consider whether the case against the petitioners is *prima facie* false and that O.R. is liable to be quashed and investigation is liable to be stayed. In case the Police, after investigation, files a final report charge-sheeting the petitioners and in case grounds exist to assail the charge sheet, the petitioners may work out their remedies by moving the appropriate court.

3. The petitioners can raise all the legal aspects now raised in this Criminal M.C. before the court below at the appropriate stage in case the petitioners are charge sheeted and tried for the offences alleged.

This Crl.M.C is disposed of directing the Police not to unnecessarily harass the petitioners during investigation.

Dated this the 30th day of July, 2010.

V.RAMKUMAR, JUDGE

skj