

(2016) 02 KL CK 0168
In the High Court Of Kerala
Case No : Crl. M.C. No. 3318 of 2012

All Kerala Anti Corruption and Human Rights Protection
Council

APPELLANT

Vs

Mohanlal and Others

RESPONDENT

Date of Decision : 29-02-2016

Acts Referred:

Wild Life (Protection) Act, 1972 — Section 40, Section 40(4), Section 50(3A), Section 50(4)

Citation : (2016) 2 KerLJ 13 : (2016) 2 KHC 18 : (2016) 2 KLT 22

Hon'ble Judges : B. Kemal Pasha, J.

Bench : Single Bench

Advocate : T.A. Shaji, Senior Advocate and Mansoor B.H., Advocate, for the Appellant; K.P. Dandapani, Advocate General, M.K. Damodaran, Senior Advocate and K.R. Radhakrishnan Nair, Advocate, for the Respondent

Final Decision : Disposed off

Judgement

B. Kemal Pasha, J.—1. During the course of an income tax raid at the house of Dr. Mohanlal, a well known cine artist, four elephant tusks were found at his residence. The matter was reported to the forest officials and consequently, on 21/12/2011, the Deputy Range Officer of the Malayattoor Forest Station and party conducted a search at his house and found four elephant tusks. Since he had no authorisation to keep those elephant tusks in his possession, OR No. 14/2012 of Meckappala Forest Station was registered against him. It seems that even on the registration of the occurrence report, the contraband articles were entrusted to the 1st respondent herein, after the seizure. Heard learned Senior Counsel Sri T.A. Shaji for the petitioner, learned Senior Counsel Sri M.K. Damodaran and Sri K.R. Radhakrishnan Nair for the 1st respondent and learned Advocate General Sri K.P. Dandapani for the State.

2. The learned Senior Counsel for the petitioner has challenged the aforesaid action of the forest officials in handing over the contraband back to the 1st

respondent, after the seizure, by alleging that it is in contravention of the provisions of Section 50(3A) and 50(4) of the Wildlife (Protection) Act, 1972.

3. Presently, it seems that the Government of Kerala has issued an order as GO (RT) No. 538/2015/F & WLD, Thiruvananthapuram, dated 16/12/2015 under Section 40(4) of the Wildlife (Protection) Act, 1972 by granting permission to the 1st respondent Dr. Mohanlal to declare the elephant tusks with him to the Chief Wildlife Warden/Authorised Officer under sub-section 4 of Section 40 of the Wildlife (Protection) Act, 1972, within 30 days from the date of the said order. Therefore, presently, the possession of the aforesaid elephant tusks by the 1st respondent has become legalised through the aforesaid Government Order issued under Section 40(4) of the Wildlife (Protection) Act, 1972. Matters being so, there is absolutely nothing to interfere with the matter at present, in view of the said Government Order. The learned Senior Counsel Sri T.A. Shaji has submitted that this order should not stand in the way of proceeding with the matter with regard to the legality of the possession of those things by the 1st respondent as on the date of seizure. Of course, this order will not stand in the way of proceeding further with the matter, if so advised.

Crl. MC is disposed of accordingly.