

(2010) 06 UK CK 0208
In the Uttarakhand High Court

Raj Kumar and Others

APPELLANT

Vs

State of Uttaranchal/Uttarakhand, Judicial Magistrate and
K.N. Bharti, Van Khsetradhikari

RESPONDENT

Date of Decision : 21-06-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Forest Act, 1927 — Section 26

Citation : (2010) 06 UK CK 0208

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of these two petitions the petitioners have sought quashing of the proceedings of criminal case No. 238 of 2005, State v. Raj Kumar and Ors. relating to offence punishable u/s 26 Forest Act, and criminal case No. 119 of 2005 State v. Mahendra Pal and Ors. both pending in the court of Judicial Magistrate, Haridwar.

3. It appears that Forest Officials including respondent No. 3 on patrol found that the petitioners collecting the stone grits illegally from the forest area on 15.04.2003 and a criminal complaint was filed against them by the Forest Officers.

4. Learned Counsel for the petitioners pleaded that petitioners had valid permits issued by the Forest Department to collect the stone grits from the forest and it is pleaded that they have been wrongly challaned by the Forest Officers.

5. Perusal of the papers on record indicate that there are disputed questions of fact involved in these cases as to whether the petitioners were collecting stone grits under the permits issued to them or not. The allegation of the respondents is that the permits issued to the petitioners related to different time area and the

vehicle.

6. In the above circumstances, since disputed questions of fact are involved in these petitions, it is not desirable on the part of this Court to form any opinion, as to the innocence of the accused/petitioners on the basis of the half baked evidence. It is for the trial court to examine the witnesses and come to the conclusion whether the petitioners are innocent or not.

7. Therefore, without expressing any opinion as to final merits of the cases, the both petitions u/s 482 of Cr.P.C., relating to criminal case No. 238 of 2005, State v. Raj Kumar and Ors. relating to offence punishable u/s 26 Forest Act, and criminal case No. 119 of 2005, State v. Mahendra Pal and Ors. pending in the court of Judicial Magistrate, Haridwar, are hereby dismissed. The trial court may proceed with the trials. Registry is directed to inform accordingly.