

Ibrahim vs Forest Range Officer

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Court : Kerala

Decided On : Oct-09-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.Rev.Pet/83/2006

Appellant : Ibrahim

Respondent : Forest Range Officer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
MONDAY, THE 9TH DAY OF OCTOBER 2023 / 17TH ASWINA, 1945
AGAINST THE JUDGMENT DATED 24/09/2004 IN CC 175/2003 OF
JUDICIAL MAGISTRATE OF FIRST CLASS -I, THODUPUZHA
AGAINST THE JUDGMENT DATED 31.08.2005 IN CRA 287/2004 OF
ADDITIONAL SESSIONS AND DISTRICT COURT (NDPS),
THODUPUZHA REVISION PETITIONER/APPELLANT IN
CRL.A.287/2004/ACCUSED: IRAHIM, S/O MUHAMMED,
MUNDIKKUNNEL VEETIL, VANNAPPURAM KARA, THODUPUZHA.
SRI.N.RATHEESHA SMT.SUMA RATHEESH
RESPONDENTS/RESPONDENT/COMPLAINANT: 1 FOREST RANGE

OFFICER, MULLARINGAD 2 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. PUBLIC PROSECUTOR SRI ARAVIND V MATHEW, SRI NAGARAJ NARAYANAN, SPL GP FOREST SRI. NAGARAJ NARAYANAN (SPL.GOVERNMENT PLEADER) SRI.ARAVIND V. MATHEW (GOVERNMENT PLEADER) THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 09.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The revision is by the 4th accused against the concurrent finding of guilt of accused for the offence under Section 27 (1) (d) of Kerala Forest Act, 1961. The accused No.4 was found in possession of wooden logs, which is a subject of the offence alleged against accused Nos. 1 to 3, who were alleged to have trespassed into the forest area and cut and removed the tree. The accused No.4 is the owner of a furniture shop. The wooden logs were seized from his custody, which are tallying with the tree alleged to have been cut and removed. There is no explanation for the possession of the abovesaid wooden logs by the accused No.4. The concurrent finding rendered by both the courts below on the basis of factual matrix cannot be interfered with unless there is absurdity, material irregularity, impropriety or illegality. Nothing was brought to the notice of this court to have interference with the concurrent finding rendered by both the courts below.

2. The sentence awarded is the minimum which can

be imposed for the offence under Section 27 (1)(d) of Kerala Forest Act. Sub-section 2 was omitted by the act of 1993. The present offence was committed subsequent to the deletion of sub-section 2. Necessarily, there is no reason to interfere with the finding of conviction of the accused and the sentence awarded. Hence, the Crl.Revision Petition

fails, and is dismissed.

Sd/- P.SOMARAJAN JUDGE msp

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