

Imdad Ulla vs State of Karnataka

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Court : Karnataka Orders

Decided On : Jul-02-2025

Judge : S.R.Krishna Kumar

Appeal No. : CRL.P/9134/2025

Appellant : Imdad Ulla

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2025 BEFORE THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR CRIMINAL PETITION NO. 9134 OF 2025 (482(Cr.PC) / 528(BNSS) BETWEEN: IMDAD ULLA S/O AMJAD ULLA AGED ABOUT 31 YEARS, R/A 738, SARAYIPALYA VILLAGE MAIN ROAD LEFT SIDE, BENGALURU - 092 PETITIONER (BY SRI. RAKSHITH R., ADVOCATE)

AND: STATE OF KARNATAKA BY KORAMANGALA PS REP. BY SPP HIGH COURT OF KARNATAKA BANGALORE - 560 001. Digitally signed RESPONDENT by CHANDANA (BY SRI. CHANNAPPA ERAPPA, HCGP) BM

Location: High THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S Court of 528 BNNS) PRAYING TO QUASH THE ORDER OF PROCLAMATION Karnataka KORAMANGALA PS FOR THE OFFENCE P/U/S 86 AND 87 OF KARNTATKA FOREST ACT 1963 AND SECTION 379 OF IPC PENDING ON THE FILE OF THE XXXIX ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT BENGALURU IN C.C.NO.5728/2015. THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR -2-

ORAL ORDER

In this petition, petitioner seeks for the following relief:

Wherefore, the petitioner above named humbly prays before the Honble Court to quash the order of proclamation Koramangala Police Station for the offence punishable under Sections 86 and 87 of Karnataka Forest Act 1963 and Section 379 of IPC pending on the file of XXXIX Additional Chief Judicial Magistrate at Bengaluru in C.C.No.5728/2015 in the interest of justice and equity.

2. Heard the learned counsel for the petitioner and learned HCGP for the respondent and perused the materials placed on record.

3. A perusal of the material on record will indicate that the

Magistrate passed the order of proclamation dated 28.07.2022 against the petitioner in Crime No.351/2015 for the offences punishable under Sections 86 and 87 of Karnataka Forest Act, 1963 and Section 379 of IPC, currently pending in C.C.No.5728/2015, who is before this Court by way of the present petition.

4. Learned counsel for the petitioner submits that the

matter before the trial Court is posted on 05.08.2025 and the petitioner would appear before the trial Court on the said date and -3- file an appropriate applications seeking recall of attachment warrant and proclamation warrant issued against him, as well as an application for bail and the trial Court may be directed to dispose of

the same in accordance with law by keeping the impugned order

and proclamation in abeyance till the disposal of the said applications.

5. The aforesaid submission is placed on record.

6. Though several contentions have been urged by both

sides in support of their respective claims, having regard to the aforesaid submissions made by the learned counsel for the petitioner, I deem it just and appropriate to dispose of the present petition by issuing certain directions.

7. In the result, I pass the following:

ORDER

(i) The petition is hereby disposed of.

(ii) The petitioner is directed to file applications for recalling the attachment warrant and proclamation warrant as well as an application for bail before the trial Court on the next date of hearing. -4-

(iii) Upon petitioner filing the said applications, trial Court is directed to dispose of the said applications in accordance with law, after providing sufficient and reasonable opportunity to the petitioner.

(iv) It is further directed, till the trial Court disposes of the

aforesaid applications, impugned orders passed by of the trial Court issuing attachment warrant and proclamation warrant shall remain in abeyance and neither the respondents nor the trial Court shall take precipitative / coercive

action/steps against the petitioner. Sd/- (S.R.KRISHNA KUMAR) JUDGE MDS List
No.: 2 SI No.: 72

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