

KAMS210021022013



**IN THE COURT OF CIVIL JUDGE AND JMFC
COURT, H.D.KOTE**

Present

Sri. SURESHA S.N., B.A, LL.B.
Civil Judge & JMFC
Heggadadevanakote.

Dated this the 17th day of April 2025

C.C. No.1084/2013

COMPLAINANT :: State by H.D.Kote Police Station,
H.D.Kote.
(Rep. By Learned A.P.P.)
- V/s -

ACCUSED :: 1. Sri.Raju S/o late Mari (**Abated**)
2. Sri.Kariyappa S/o Appu
Aged about 32 years
3. Sri.Kala S/o Appu
Aged about 29 years
4. Sri.Dasa @ Sanidasa S/o Thimma
Aged about 40 years

All are R/at G.M.Halli hadi
Kasaba hobli, H.D.Kote taluk

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ORDER

The RFO, Metikuppe has filed this case against the accused for the offences punishable under section 144 read with section 165 of Karnataka Forest Rules 1969 and 27, 31, 35(6) (8) read with section 51(1-c) of Wild Life Protection Act. As accused No.1 to 4 were remained absent in spite of repeated issuance of NBW against them from time to time and presence of the accused No.1 to 4 would not be secured inspite of co-coercive steps taken against the accused No.1 to 4. During the pendency of the case accused No.1 was reported to be dead. Hence, case against accused No.1 stands abated.

2. U/sec.82 and 83 of Cr.PC as initiated by this Court. The order sheet dated 13.03.2018 discloses that the proclamation and attachment issued against accused was duly executed as per Sec.82 and 83 of Cr.PC. The I.O., has submitted report issued by Panchayath Development Officer, Chakkodanahalli village, H.D.Kote taluk that there is one residential house stands in the name of accused No.1 but the accused No.1 reported

dead. The accused No.4 is not having any properties in his name. During the pendency of the case accused No.1 was reported to be dead. Hence, case against accused No.1 stands abated. Therefore it ordered for initiation proceeding U/sec.299 of Cr.PC.

3. During the proceeding U/sec.299 of Cr.PC the prosecution has examined the executant of proclamation by name G.V.Gowrishankar S/o G.Venkatesh, ASI of H.D.Kote P.S., examined as PW.1 and got marked Ex.P1 to 12. Among those Ex.P.1 and 2 are the Mahazars, Ex.P.3 is the Requisition given to Chakkodanahalli grama panchayath, Ex.P.4 and 5 are the Mahazars, Ex.P.6 is the letter issued by Chakkodanahalli grama panchayath, Ex.P.7 and 8 are the Mahazars, Ex.P.9 is the Requisition given to Chakkodanahalli grama panchayath, Ex.P.10 and 11 are the Mahazars, Ex.P.12 is the letter issued by Chakkodanahalli grama panchayath. Another two witnesses have been examined as PW.2 and 3.

4. Heard learned APP and learned counsel for accused.

5. That in this case inspite of NBW issued against the accused the concerned police have not secured the accused No.2 to 4, and proceeding U/sec.82 and 83 of Cr.PC were initiated against the accused No.2 to 4, PW.1 published the proclamation and attachment as per Ex.P1 & 2, and the accused No.2 to 4 is declared absconding. Accused No.4 is not having any property in his name.

6. As in this case accused No.2 to 4 are absconding there is no chance of securing the accused No.2 to 4, as such I feel it is a fit case for referring the same to Long Pending Case. Hence, the following:

ORDER

The office is hereby directed to submit the entire records of this case to the Hon'ble Principal District and Session Judge, Mysuru, with a kind permission to transfer this case into a register of Long Pending Cases since there is no immediate prospect of securing the presence of accused No.2 to 4 in this case at earliest.

Put up the record before this Court
after receipt of record from the Hon'ble
Principal District and Sessions Court,
Mysuru.

[Dictated to the Stenographer directly, typed by her in computer, revised
and corrected by me and signed, pronounced in the Open Court on this the
17th day of April 2025]

(SURESHA S.N.)
Civil Judge & JMFC
Heggadadevanakote.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF PROSECUTION:-

PW.1 : Sri.Gowrishankar
PW.2 : Sri.Mahabbas
P.W.3 : Sri.Santhosh nayak

LIST OF DOCUMENTS MARKED ON BEHALF OF PROSECUTION:-

Ex.P.1 and 2: Mahazars
Ex.P.1(a) and 2(a): Signatures of PW.1
Ex.P.3 : Requisition
Ex.P.3(a) : Signature
Ex.P.4 & 5 : Mahazars

Ex.P.4(a) and 5(a): Signatures of PW.1

Ex.P.6 : Letter issued by Chakkodanahalli
grama panchayath,

Ex.P.6(a) : Signature

Ex.P.7 and 8 : Mahazars,

Ex.P.7(a) and 8(a): Signatures of PW.1

Ex.P.9 : Requisition given to Chakkodanahalli
grama panchayath,

Ex.P.9(a) : Signatures of PW.1

Ex.P.10 and 11 : Mahazars,

Ex.P.10(a) and 11(a): Signatures of PW.1

Ex.P.12 : :Letter issued by Chakkodanahalli
grama panchayath.

Ex.P.12(a) : Signatures of PW.1

LIST OF MATERIAL OBJECTS MARKED FOR
PROSECUTION:-

- NIL -

**(SURESHA S.N.)
Civil Judge & JMFC
Heggadadevanakote.**