

ORDER

The complainant filed application for permit him to submit the P.F. and produce the properties before the Court.

In the above said application, the complainant submitted that they had seized 01 Bill Hooks from the accused persons and the offence punishable under Sec. 24 of Karnataka Forest Act 1963 and Sec.2(16), 9, 39, 50(C), 51 (Schedule-III animal) of Wild Protection Act 1972. Therefore, they pray to give permission to submit the PF and produce 01 Bill Hooks before this Court.

Per contra, the learned counsel for the accused filed objections to the above said application and contended that the present case is in the stage of evidence of the complainant. The complainant has submitted a list of property i.e., Bill Hooks -01 to the Court. The complainant has submitted his

application before the court without citing the Act and Rules under which the said application is submitted. The complainant cannot submit any application before the Court directly and he has to submit his application through his lawyer. The complainant is supposed to produce before the Court all his evidences, articles said to have been involved in the crime, if any, report of the concerned authority, well before the charge-sheet. But the complainant has filed his charge-sheet without proper investigation and also the complainant has purposefully fabricated the case against the accused persons. After the lapse of long duration, the complainant is creating one or the other document and submitting the application. If the application is allowed, the accused persons will be put to great injustice, hardship and inconvenience which cannot be compensated in terms of money. Hence, prays to dismiss the application.

On careful perusal of records, no doubt, the Assistant Conservator of Forest Officer filed the above said application without including the specific provision and act. But,

he has filed the application by stating that give the permission to submit the PF including the properties one Bill Hooks. According to him they had seized one Bill Hooks from the accused persons. Therefore, he prays for allow the above said application.

Per contra, the learned counsel for the accused contended that in order to protract the proceedings without including the proper provision and Act the above said application was filed. Why did the IO has not included the said Bill Hooks in the chargesheet and also not produced the Bill Hook before this court along with chargesheet. In this regard, no explanation was given in the charge-sheet. Now the complainant has intention to improve his case by producing the properties and submission of the PF before this court. Then the attitude of the complainant shows he has fabricated the case against the accused persons. There is no real truth with respect to alleged offence was committed by the above said accused persons. Hence, application is not maintainable and liable to be dismissed.

Even though the above said objection raised by the learned counsel for the accused No.1 and 2, if the opportunity is given to the said Assistant Conservator of Forest, it will not cause great loss and hardship to the accused persons. Because the accused is having good opportunity to cross-examine the above said witness and he can elicit the real truth from the above said witness at the time of his cross-examination. If the application is rejected on the basis of technical grounds, then it will cause difficult to the prosecution to prove the alleged offence. By rejecting the above said application it will not curtail the rights of the complainant to produce the properties and submit the PF before this court. Therefore, it is necessary to proceed the case against the accused persons without causing any delay. Hence, in order to avoid the delay in the proceeding, it is necessary to allow the application. Accordingly, I proceed to pass the following:

ORDER

The application filed by the Assistant Conservator of Forest Officer is hereby allowed and permission is

**hereby given to the IO to
submit the PF and produce the
one Bill Hooks.**

**For evidence. Issue SS to
CW 1.**

Call on: 30.1.2026.

**sd/-
Sr.Civil Judge & JMFC., Ankola**