

ORDER

The Assistant Conservator of Forest Officer filed application through the learned APP before this Court for the purpose of producing the properties in this case.

Per contra, the learned counsel for accused No.1 and 3 filed objections and contended that the above said case is adjourned for cross of PW 1. At this stage, the complainant has produced a piece of paper stating that the said paper is the report about the property said to have been recovered from the accused persons. If really the properties were seized by the complainant, those should have been produced before this Court together with FIR giving full and specific detail about the properties said to have been seized. The complainant has failed to produce the above said seized properties at the time of filing of the chargesheet. After the completion of chief-examination, the above said application was filed by the Assistant Conservator of Forest. The said piece of paper in which the name of some articles are not

written and also not appear any specific details such as make, size, name of the manufacture company, conditions at the time of their seizure etc. If really the above said properties were seized by the concerned complainant, then there should be mentioning the above said details along with the FIR or with the chargesheet. Now in order to prolong the case, the above said application was filed by the Assistant Conservator of Forest. Further, the above said application was filed by the concerned officer which was not shown the name of the Court in which the jurisdiction the above case is pertaining to. Hence, the application is not maintainable at this stage and liable to be dismissed.

On careful perusal of records, no doubt, the Assistant Conservator of Forest Officer filed the above said application without including the specific provision. But, he has filed the application by stating that he is producing the properties which was seized in Crime No.91/2022-23 and prays for give permission him to produce the above said properties before this Court.

Per contra, the learned counsel for the accused contended that in order to protract the proceedings without including the proper identification, size, name of manufacturing company, now the Assistant Conservator of Forest Officer is producing the above said document. Further, the title of the above said application is not coming under the jurisdiction of this Court. If really, the complainant seized the above said properties from the accused, then, they should produce the same along with FIR or with chargesheet. But, they are now producing the above said properties after the completion of the chief-examination of the complainant. Hence, the application is not maintainable.

Even though the above said objection raised by the learned counsel for the accused No.1 and 3, 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. Therefore, it is necessary to proceed the case against the accused 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 to produce the above said properties before this Court.

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

**(Order pronounced in the open court
vide separate Order)**

ORDER

**The application filed by
complainant under Section**

**254 and 311 of Cr.P.C. R/w
Sec.145(2) of N.I.Act is
hereby allowed.**

Sr.Civil Judge & JMFC., Ankola