

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RANNI

Present: Sri.Arunkumar.R.C., Judicial First Class Magistrate
Monday the 11th day of May, 2026/ 21st Vaisakha 1948(S.E)

CC.284/15

Complainant : State represented by the Range
Forest Officer , Goodrickal Forest
Station,(Kochukoickal - OR.02/10)

(By APP JFCM-I, Ranni)

Accused : K.Baby, aged 51 years,
Kaleeckal house Kochukoickal,
Block No.4, Seethathodu,
Ranni Taluk now residing at
Meppadu Layathil No.296,Vilakuvanchi
Laha, Perunadu Village, Ranni Taluk.
(By Adv.Thomas Varghese Venattuu)

Section of law : u/s. 2(1)(16),9, 39(1)(a)(b), 50, 51 of
Wild Life Protection Act1972

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused is acquitted u/s 248(1) Cr.P.C.

DESCRIPTION OF THE ACCUSED

Sl. No	Name	Father's name	Occupation	Residence	age
1	K.Baby,			Kaleeckal house Kochukoickal, Block No.4, Seethahtodu, Ranni Taluk now residing at Meppadu Layathil No.296,Vilakuvanchi Laha, Perunadu Village, Ranni Taluk.	

Date of							
Offence	Complaint	Appearance	Release on bail	Commencement of trial	Close of trial	Sentence or order	Expln. for delay
01-02-10	01-02-10	03-12-25	03-12-25	25-09-25	08-05-26	11-05-26	

This case was finally heard on 11/05/2026, and this court, on the same day, delivered the following

JUDGMENT

This case originated out of a complaint in Form II, preferred by the Forest Range Officer, Goodrickal Forest Station, against the accused herein in O.R 02/2010 of Kochukoickal Forest Station. The accused is alleged to have committed the offence under section 2(1)(16),9, 39(1)(a)(b), 50, 51 of the Wild Life Protection Act1972.

2. The case of the prosecution, in brief, is as follows: - On 01/02/2010, upon secret information received by the Kochukoickal Forest Station staff and the consequent search by the staff in House No. 249, belonging to Thomas situated at Anapparamala, Seeththode Village, the station staff found 250 g of cooked meat of Wild Boar included in Schedule III of the WLP Act. The accused Baby was in actual possession of the aforesaid house wherein he was living on rent. Thus, the accused is alleged to have committed the offences under sections 2(1)(16),9, 39(1)(a)(b), 50, 51 of the Wild Life Protection Act1972.

3. Upon filing of the complaint in Form -II by the Goodrickal Range Officer, cognizance of the offences were taken. The accused entered appearance upon summons. A copy of the prosecution documents was furnished to him. The prosecution examined PW1 to PW5 as witnesses. Ext.P1 to Ext.P9 documents

are marked from the prosecution's side. After recording the pre-charge evidence under section 244 CrPC, the charge was framed against the accused under section 2(1)(16), 9, 39(1)(a)(b), 50, 51 of the Wild Life Protection Act 1972. The charge was read over and explained to the accused, to which he pleaded not guilty and claimed to be tried. After closing the prosecution evidence, incriminating circumstances appearing in the evidence against the accused was put to him, and his statement under section 313 (1)(b) was recorded. The accused was called upon to enter his defence and adduce evidence. No evidence was adduced from the side of the defence. Heard both sides.

4. The following points are formulated for consideration.

- (i) Has the prosecution proved that the accused has committed the offence of hunting as defined in section 2(16) of the WLP Act?
- (ii). Whether the accused was found in possession of the meat of Wild Boar?
- (iii) In the event of conviction, what shall be the punishment?

5. **Point (i) and (ii):-** For the sake of convenience and brevity, these points are considered together. PW1 is a Beat Forest Officer at Kochukoickal Forest Station. He was present in the forest party which detected the offence in this case. PW2 is the Goodrickal Range Officer who has conducted the investigation and filed Form-II complaint against the accused. PW3 is a Forester at Kochukoickal Forest Station. PW4 is Veterinary Doctor at Veterinary hospital, Seethathode and PW5 Sunil is an independent witness. PW1 deposed that on 1st February, 2010, secret information was received that meat of Wild Boar is stored in the rented house of Baby in Anapparamala. Accordingly, the staff of Kochukoickal Forest Station reached the place and enquired about the house of the accused Baby to PW5 Sunil found in the third block. He showed them the house of Baby. Upon seeing the forest staff, Baby ran away from the house. The

forest staff got inside the house and searched the house. Nobody else was found in the house. From the kitchen, they found a pot with cooked meat. Upon searching the house and its premises, they found some earth dismantled from near the shed found close to the house. They found skin and other remains of carcasses identical to that of a wild boar from there. PW1 has prepared Exhibit P1 mahazar upon detection of the crime. Samples were taken from the meat by the Veterinary surgeon and the remaining carcass were disposed off. Exhibit P2 is the mahazar prepared at the time of disposal of the recovered meat and carcass remains. PW1 identified Exhibit P4 species identification report received after analysis. PW1 has prepared Exhibit P3 Form -I as OR number 2/2010 of Kochukoickal Forest Station. PW3 has visited the scene of crime and verified Ext.P1 mahazar endorsed it as per Ext.P1(a). PW4 Dr. MK Shaju stated that he was the Veterinary Doctor at Seethathode Veterinary Hospital on 2/2/2010 and that he went to the property of Baby in Anapparamala and examined a carcass in the premises of his house. He suspected it to be that of a Wild boar and took samples from the same for expert analysis and also identified his signature in Ext.P2 mahazar. PW5 Sunil denied the case of the prosecution and stated that he did not show the forest officers the rented house of the accused. PW2 stated that as part of investigation in this case, he has sent Ext.P5, Ext.P6, and Ext.P8 notices to the accused to appear before him. Ext.P5(a) is the endorsement by the accused that he has received Ext.P5. Ext.P7 is the postal receipt for Ext.P6 notice. PW2 also produced Ext.P9 notification to show that the place of occurrence is an area having the status of reserve.

6. The case of the prosecution is that they have seized meat of wild boar in a cooked condition from the house of the accused in Anapparamala on 01/02/2010. The accused was not arrested from the scene. PW1 who was present in the forest party which detected the offence stated that it was PW5 who

identified the house as well as the accused on the said date. Whereas PW5 has turned hostile to the prosecution and denied its case, there is only the evidence of PW1 who has identified the accused at the time of the trial. Though it is deposed by PW1 that the accused ran away from the house seeing the forest party, it is strange to note that the forest officials did not even try to capture him on 01/02/2010. It is also his case that the meat recovered was taken from the house mentioned in Ext.P1 and the samples were not taken from there. Per contra, PW4, the Veterinary doctor who took the samples deposed that he took the samples from the premises of the house of the accused in Anapparamala on 02/02/2010. Per contra, Ext.P2 mentions that the seized meat and parts of carcass were taken to the Government Veterinary Hospital, Seethathode for the purpose of taking samples. So the place of taking the sample is different according to the statement of PW1 and PW4.

7. In a case of this nature, where the prosecution alleges the seizure of the wild meat from the possession of the accused, it is the primary duty of the prosecution to prove the seizure of the meat from the possession of the accused. In the instant case, though initiated upon receipt of a secret information, no search memo was prepared and sent to court, before the actual search. No respectable independent witnesses were taken to the place of occurrence to witness the seizure and prove the same. The only independent witness, PW5, has turned hostile to the prosecution and denied the case of the prosecution. Though it is the case of the prosecution that the house from which the meat was seized is the house where the accused has rented out. Nothing is brought out to prove in whose possession the property is. The house owner is also not cited as a witness by the prosecution. No efforts were taken, even by the investigation officer, to find out the actual possession of the house. Even if the expert report is taken in to consideration, in the absence of any evidence to prove that the house from which

the meat was seized is under the actual control and possession of the accused, the prosecution is liable to fail. Hence, the points (i) and (ii) are found against the prosecution.

8. Point No. (iii):- In view of the findings in point number (i) and (ii), the prosecution has failed to prove the guilt of the accused and hence Point number (iii) does not arise for consideration.

In the result, the accused is found not guilty of the offence under 2(1) (16), 9, 39(1)(a)(b), 50, 51 of the Wild Life Protection Act 1972. He is acquitted under section 248(1) CrPC of the said offences. The bail bonds executed by the accused stand cancelled and he is set at liberty.

Dictated to the Confidential Asst., transcribed by her, corrected by me and pronounced in the Open court, on this the 11th day of May 2026.

Judicial First Class Magistrate,
Ranni

Appendix

A.Prosecution witness

Rank		Name	Whether Eye witness Police witness, Expert Witness, Medical Witness, Other witness
PW1	:	P.R.Pradeep	Forest Witness
PW2	:	Salavudheen	Forest Witness
PW3	:	O.G.Sasi	Forest Witness
PW4	:	Dr.M.K.Shaju	Medical Witness
PW5	:	Sunil.C.Bose	Eye Witness

B.Defence witness

Rank		Name	Whether Eye Witness, Police Witness, Expert Witness, Medical Witness, Other Witness
Nil		Nil	Nil

C.Court witness

Rank		Name	Whether Eye Witness, Police Witness, Expert Witness, Medical Witness, Other Witness
Nil		Nil	Nil

List of Prosecution/Defence/ Court Exhibits**A.Prosecution Exhibits**

Sl.No		Exhibit Number	Description
1		Ext.P1	Mahazar dated:01-02-2010 proved b y PW1 on 23-05-17
2		Ext.P1(a)	Certificate of P1 dated:01-02-10 proved by PW3 on 30-05-22
3		Ext.P2	Mahazar dated:02-02-10 proved by PW1 on 23-05-17
4		Ext.P3	Form-I proved by PW1 on 23-05-17
5		Ext.P4	Certificate of identity of animal proved by PW1 on 23-05-17
6		Ext.P5	Notice proved by PW2 ON 25/07/17
7		Ext.P5(a)	Reverse side of Ext.P5 notice
8		Ext.P6	Notice proved by PW2 on 25/07/17

9		Ext.P7	Postal receipt dated: proved by PW2 on 25-07-17
10		Ext.P8	Notice dated:28.1114 proved by PW2 on 25/07/17
11		Ext.P9	Reserve Notification

B.Defence Exhibits

Sl.No.		Exhibit Number	Description
		Nil	Nil

C. Court Exhibits

Sl.No		Exhibit Number	Description
.			
Nil		Nil	Nil

D. Material Objects

Sl.No		Material Objects	Description
.			
1		Nil	Nil

Judicial First Class Magistrate,
Ranni