

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1812/2020

(Arising out of impugned final judgment and order dated 17-07-2019 in CRLMC No. 4295/2019 passed by the High Court of Kerala at Ernakulam)

THE STATE OF KERALA

Petitioner(s)

VERSUS

FR. JOHN THEKKANATH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.27118/2020-EXEMPTION FROM FILING O.T.)

Date : 14-02-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Nishe Rajen Shonker, AOR  
Mrs. Anu K Joy, Adv.  
Mr. Alim Anvar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Heard learned counsel appearing for the petitioner State of Kerala.

Service is complete.

None appears for the respondent.

This petition arises out of a forest offence registered under Section 27 of the Kerala Forest Act, 1961 and Section 2 of the Forest Conservation Act, 1980. Based on additional report submitted by the Deputy Range Forest Officer, the respondent was added as accused no. 11 under the orders of the trial court. The High Court

has interfered with the order by directing that on the basis of the additional report, the respondent cannot be implicated.

The learned counsel appearing for the petitioner-State submitted that the report is based on confessional statements of the co-accused. His submission is that the High Court has incorrectly read the confessional statement as can be seen from the findings recorded in the impugned judgment.

We have perused the additional report which is titled as "Additional Accused List". The report is based only on so called confessional statement of accused nos. 2, 3 and 4. The report does not record that only investigation was carried out by the Deputy Range Forest Officer to ascertain whether there was any material available against the respondent for implicating him in the forest offence. Taking the additional report as it is, we agree with the final conclusion drawn by the High Court that there was no material to implicate the respondent.

Accordingly, the special leave petition is dismissed.

Pending application(s), if any, shall also stand dismissed.

(KRITIKA TIWARI)  
SENIOR PERSONAL ASSISTANT

(MATHEW ABRAHAM)  
COURT MASTER (NSH)