

CIRCULAR NO: 27/92

Sub:- Filling Vakkalath form and affixi Cours fee of Rs.2/- for each Vakkalath in Forest cases exemption-reg:

It has been brought to the notice of the undersigned that a few Assistant Public Prosecutor are insisting on filling vakkalath by affixing Court Fee Stamp worth Rs.2/- for each vakkalath filed in respect of cases booked under the Kerala Forest Act by the Range officers who are the complainants in such cases. The matter was taken up at Government Level and examined. The correct legal position is as follows:-

As per the explanation to rule 31 of the Original Rules of practice issued by the Hon'ble High Court, Public prosecutor/ Assistant public prosecutor need not file vakkalath by affixing Court Fee of Rs.2/- when they are appearing in Abkari cases and other complaints filed by public Servants under any Law. The words other complaints include the cases from the Forest Department also. Hence in such the Public Prosecutor/ Assistant Public prosecutor need file only a memorandum of appearance containing a declaration that they have been duly instructed to appear in the case by such Public servant or complainants as the case may be. In the circumstance, Memorandum of Appearance will serve the purpose and the question of filling the vakkalath affixing the Court Fee Stamp of Rs.2/- does not arise in forest cases.

The above legal position may be brought to the notice of the Public Prosecutor/ Assistant Public Prosecutor concerned whenever necessary.

The receipt of the Circular may be acknowledged.

Pr1. Chief Conservator of Forests (Gl.)

To

The Chief conservator of Forests (wildlife), The Chief Conservator of Forests (Vigilance), Pr1. Chief Conservator of Forests (Social Forestry).

All Conservator of Forests/ Divisional Forest Office/ Assistant Conservator of Forest/ Wildlife Preservation Officer / Filed Director / Wild Life Warden.

Copy to : PA/CA COF' s ,Branch Officers, and Section Heads for information.

Endt. on CH-8130/85 dated 26-4-93

Copy to A3, ML, TR, A1, A2, VC sections and CN stock file

Copy to JS, A,A,, and CF personal file.

sd/-
Conservator of Forests,
Thrissur