

(1997) 02 KAR CK 0035

In the Karnataka High Court

Case No : Criminal Revision Petition No. 150 of 1996

Authorised Officer and Dy. Conservator of Forests, Bagalakot	APPELLANT
Vs	
Ramakrishnappa Kedarba Urankar	RESPONDENT

Date of Decision : 07-02-1997

Acts Referred:

Karnataka Forest Act, 1963 — Section 104, 86, 87
Penal Code, 1860 (IPC) — Section 379, 411

Citation : (1997) CriLJ 4695 : (1997) 3 KarLJ 304

Hon'ble Judges : M.B. Vishwanath, J

Bench : Single Bench

Advocate : B.H. Satish, H.C.G.P, for the Appellant; V.P. Kulkarni, Adv, for the Respondent

Judgement

1. Heard the learned Government Pleader and the learned Counsel for the Respondent.
2. In this revision petition, the State has challenged the order passed by the learned II Additional Sessions Judge, Bijapur on 11-9-1995 in Cr. A. No. 68/1989. The learned Sessions Judge set aside the order passed by the Authorised Officer and Deputy Conservator of Forests, Bagalakot in C-3/Misc. Sandalwood/CR-5/87-88, dated 7-9-1989 confiscating the lorry bearing No. MEZ 8314.
3. The learned Sessions Judge passed an order on 13-12-1989 in I.A. No. I directing return of the seized truck to the appellant in Cr. A. No. 68/1989 (present respondent Ramakrishna Kedarba Urankar).
4. In C.C. No. 184/1989 on the file of the learned J.M.F.C., Badami, A-1 Abdul Khader, A-2 Gulabashya and A-3 Chandru were tried for the offences under Sections 379 and 411, I.P.C. and under Sections 86 and 87 read with Section 104 of the Karnataka Forest Act.
5. The sum and substance of the allegations against the accused in C.C. No.

184/1989 was that they were carrying the sandalwood in truck bearing No. MEZ 8314. The accused were acquitted by the learned J.M.F.C. by his judgment dated 29-6-1984. The Authorised Officer and the Deputy Conservator of Forests had passed an order of seizure of the lorry in C-3/Misc./Sandalwood/CR-5/87-88 on 7-9-1989.

6. This order of confiscation was challenged by the owner (present respondent) in Cr. A. No. 68/1989. The learned Sessions Judge, by the impugned judgment, set aside the order of confiscation and ordered return of the lorry to the owner.

7. This order of the learned Sessions Judge in Cr. A. No. 68/1989 has been challenged by the State.

8. The learned Sessions Judge, taking into consideration that the accused who were alleged to have transported the sandalwood in lorry bearing No. MEZ 8314 were acquitted, passed the impugned judgment and order, rightly.

9. Since the accused were acquitted, it could not be said that the vehicle in question was used for the commission of any offence. The vehicle could not have been confiscated by the Authorised Officer and Deputy Conservator of Forests.

10. I do not find any illegality or perversity in the order passed by the learned Sessions Judge. Accordingly the revision petition is dismissed.

11. Petition dismissed.