

**(2011) 12 SHI CK 0235**  
**In the High Court Of Himachal Pradesh**  
**Case No : Criminal A No. 368 of 2011**

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|------------------------------------------|------------|
| Sh. Joginder Singh and Sh. Narayan Singh | APPELLANT  |
| Vs                                       |            |
| State of Himachal Pradesh                | RESPONDENT |

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**Date of Decision :** 22-12-2011

**Acts Referred:**

**Citation :** (2011) 12 SHI CK 0235

**Hon'ble Judges :** Surinder Singh, J

**Bench :** Single Bench

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## Judgement

Surinder Singh, J.—Heard and gone through the record.

2. Appellants herein faced trial for forest scandal in terms of FIR No. 69/91 of 1977 registered in Police Station Chopal for illicit felling of trees from the Government Forest. The revenue officers and private contractors were also made accused. After the complete trial, the learned Special Judge (Forest) convicted and sentenced the accused persons but in appeal they were acquitted by the High Court vide its detailed judgment passed in Criminal Appeal No. 307/1990 decided on 14.10.1999 and the sale proceeds of the timber seized were ordered to be refunded to the rightful owners, in accordance with law, against which the State filed SLP in the apex Court.

3. It is submitted by the learned counsel for the appellant that the impugned judgment of acquittal passed by the High Court was set aside by the Supreme Court and the case was remanded back to the High Court to decide it afresh.

4. Thereafter, the High Court re-heard the appeal filed by the convicts and the impugned judgment of conviction and sentence of the learned Special Judge (Forest), Shimla was set aside and the accused persons were acquitted but no orders of refund of sale proceeds were made. The State filed SLP No. 502-505 of 2004 (Annexure A4), which was also dismissed.

5. Against the aforesaid background, the application for its release preferred by

the appellants before the learned trial Court, after conclusion of the proceedings, was not maintainable also for the reason that timber in question was not claimed by the petitioner during the trial nor they were held entitled for its possession, as such it was rightly dismissed by the learned trial Court. Hence, the present appeal against the impugned order is dismissed. However, the appellants are left at liberty to seek their redressal from the Civil Court qua the sale proceeds of seized timber in FIR No. 69/1977 [91/1977] dated 18.12.1977, subject to the law of limitation. The appeal stands disposed of.