
(2013) 09 KAR CK 0007

In the Karnataka High Court

Case No : Writ Petition No. 31557 of 2013 (GM-FOR)

Sri M.S. Prabhakar

APPELLANT

Vs

The Authorised Officer and Deputy Conservator of Forest

RESPONDENT

Date of Decision : 25-09-2013

Acts Referred:

Citation : (2013) 09 KAR CK 0007

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : S.G. Lokesh, for the Appellant; Jagadish Mundargi, A.G.A., for the Respondent

Final Decision : Disposed Off

Judgement

A.S. Bopanna, J.—The petitioner is before this Court assailing the order dated 12.07.2012 impugned at Annexure-D to the petition and mandamus is sought to direct the respondent to release the vehicle bearing No. KA-12-A-1243. The petitioner contends that he is the owner of Mahindra Pickup Jeep bearing registration No. KA-12-A-1243. In respect of certain alleged forest offences said to have been committed by the petitioner, the said vehicle was seized on 05.07.2011 and 24 pieces of rose wood billets were also seized. Insofar as the offence alleged against the petitioner, the proceedings are pending consideration. Pending consideration of the same, the petitioner has sought for interim release of the vehicle in his favour. The Competent Authority by order dated 28.12.2011 had rejected the request of the petitioner for release of the vehicle. The petitioner had assailed the said order before the learned District and Sessions Judge in Criminal Appeal No. 1/2012, which was disposed of on 12.07.2012.

2. The Appellate Court, in fact, has affirmed the decision of the Competent Authority. While doing so, the Court below has referred to the decision which had been cited therein, wherein such release of the vehicle was held permissible. Yet another decision, in the case of Section Forester and Another Vs. Mansur Ali Khan, was also referred to by the Lower Appellate Court to indicate that the

release cannot be done in a mechanical manner. Having considered these aspects of the matter what is also to be noticed is that insofar as the forest produce stated to have been found in the said vehicle, the same has been seized and would be available with the Authorities when the matter is taken up for consideration of forest offence case registered against the petitioner. If the petitioner's vehicle is kept in the custody of the respondent, certainly the same would deteriorate and in such circumstances, if the interest of the respondent is protected to make available the said vehicle for further investigation or during the trial, such conditions, in any event, could be imposed on the petitioner. Therefore, the respondent herein is directed to release the vehicle in favour of the petitioner, subject to the petitioner producing a bank guarantee to the extent of the value of the vehicle which would be assessed by the respondent. Further, the petitioner would also submit an indemnity bond to produce the vehicle before the respondent as and when called by the respondent during the course of the proceedings.

With the said directions, petition stands disposed of.