
(1977) 04 SC CK 0013

In the Supreme Court Of India

Case No : Criminal Appeal No's. 452-454 of 1976

State of Maharashtra

APPELLANT

Vs

Mahipati Krishna Ingavale etc. etc.

RESPONDENT

Date of Decision : 12-04-1977

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 377
Forest Act, 1927 — Section 33

Citation : AIR 1977 SC 1200 : (1977) CriLJ 968 : (1977) 4 SCC 598(3)

Hon'ble Judges : Y. V. Chandrachud, J; P. N. Shingal, J; P. K. Goswami, J

Bench : Full Bench

Advocate : M.C. Bhandare, H.R. Khanna and M.N. Ahroff, for the Appellant; P.C. Bhartari, for the Respondent

Final Decision : Dismissed

Judgement

P.K. Goswami, J.—In these appeals by special leave at the instance of the State of Maharashtra the question of the scope of Section 377 (sic) and (2), Cr.P.C. arises for consideration.

2. The State preferred appeals against the inadequate sentence awarded by the trial court in each of the three cases tried for offences u/s 33(1)(c), (f) and (h) of the Indian Forest Act. The sentence was a nominal fine of a few rupees in each case.

3. The High Court rejected the appeals as incompetent on the ground that the State of Maharashtra was not entitled to prefer the appeals u/s 377(1), Cr.P.C. The High Court held that since the offences were under a Central Act and the investigation or enquiry was conducted only by Forest Officers under the provisions of the Act the Central Government alone was competent to prefer the appeals u/s 377(2), Cr.P.C. However, the High Court also dealt with the merits of the appeals and held that there was no justification for interfering with the sentence in all the three cases.

4. We have delivered our decision today in Eknath Shankarrao Mukkawar Vs. State of Maharashtra, where an identical question about the scope of Section 377(1) and (2), Cr.P.C. was considered. These appeals will be governed by the said decision for the identical reasons. The High Court was, therefore, not right in holding that the appeals by the State were incompetent. We, however, agree with the High Court that there was no justification for interference with the sentence in all the three appeals.

5. The judgment of the High Court with regard to the maintainability of the appeals is set aside but the rest of the order in each appeal stands. The appeals are thus dismissed.