

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 47 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

DY. CONSERVATOR OF FOREST

Versus

GULAB MAHMAD NAJIR HUSSAIN @ CO.

Appearance:

MR SAMIR DAVE, APP for Petitioners
MS SEJAL K MANDAVIA for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/01/2001

ORAL JUDGEMENT

#. I do not find any illegality in the order passed by the Sessions Judge, Junagadh, impugned in this special criminal application. The Forest Officer failed to furnish any explanation whatsoever as to why the panchnama was not drawn immediately after the truck was

seized. It is also noticed by the learned Sessions Judge, Junagadh, that the evidence produced by the appellant in defence has also not been considered. Person was having valid permit for cutting the wood and the witness Ali Karim has also categorically stated in his evidence that the goods were loaded from the field of the person who was having valid permit for cutting the said wood. The document of permission for cutting the wood was found to be genuine document. In these facts, the learned Sessions Judge, Junagadh has not committed any error whatsoever in reversing the order of the Deputy Conservator of Forest, Junagadh, dated 7.10.86 and releasing the truck in favour of the petitioner.

#. In the result this special criminal application fails and the same is dismissed. Rule discharged. Interim relief if any earlier granted stands vacated. No order as to costs.

(S.K.Keshote, J.)

(sunil)