



2025:UHC:2656

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 866 of 2024

08 April, 2025

Kalam Singh

--Revisionist

Versus

State of Uttarakhand

--Respondents

Presence:-

Mr. Amit Kapri, Advocate for the revisionist.

Mr. Deepak Bisht, learned Deputy Advocate General along with Mr. Devender Singh, learned Advocate for the State.

Hon'ble Vivek Bharti Sharma, J.

This criminal revision is preferred for quashing and setting aside the judgment and order dated 26.09.2024 passed by learned Sessions Judge, Pithoragarh in Criminal Appeal No.30/2018 “*Kalam Singh and Another Vs. State of Uttarakhand*” whereby the learned Appellate Court dismissed the appeal affirming the order dated 06.09.2018 passed by the learned Judicial Chief Magistrate, Pithoragarh, District Pithoragarh in H2 Range Case No.06/2017, Forest Ven Range, Dharchula, District Pithoragarh, Criminal Case No.841 of 2018, “*State of Uttarakhand Vs. Kalam Singh and Another*” convicting the revisionist U/s 51 of the Wildlife (Protection) Act to undergo three years rigorous imprisonment with a



fine of ₹10,000/-, in default of payment of fine, to further undergo three months additional simple imprisonment.

2. Learned counsel for the revisionist/convict would submit that the case property i.e. meat of the endangered species of 'tahr' allegedly recovered from the possession of the revisionist /convict was not produced before the Court at the time of evidence. However, he would fairly concede that no such objection was taken in the cross-examination to the person who had brought that material i.e. the case property; that, it was not the meat of the 'tahr' which was allegedly seized from the possession of the revisionist/convict; that, it was also not put into cross-examination that the meat allegedly recovered from the revisionist /convict was not of the endangered species of '*Himalayan Tahr*'.

3. Learned counsel for the revisionist/convict, on inquiry of the court, would express his inability to answer whether any objection was made to the forensic report of the examination of that meat allegedly recovered from the possession of the revisionist/convict.



4. Learned counsel for the State would submit that the judgment of the Trial Court convicting the revisionist/convict under Section 51 of the Wildlife (Protection) Act, 1972 is well-reasoned and passed on the proven facts before the Court constituting the offence punishable under Section 51 of the Wildlife (Protection) Act, 1972.

Learned counsel for the State would further submit that the appeal of the revisionist/convict has also been dismissed vide order dated 26.09.2024 and there is no illegality, impropriety or incorrectness in the impugned judgment of the Appellate Court and no irregularity in the proceedings while deciding the appeal as made in the revision, therefore, this revision may be dismissed.

Learned counsel for the State would submit that the case property was not produced at the time of evidence because it was decayed and that it had already been destroyed by order of the Court on the application of the prosecution.

5. Having considered the submissions and after going through the record available on file, it has been observed that there is no illegality, impropriety



2025:UHC:2656

or incorrectness in the impugned judgment of the Appellate Court and no irregularity in the proceedings of the Trial Court, therefore, this Court is of the considered view that it is not a fit case, in which this Court should venture into the propriety of the matter.

6. In view of the above, there is no good ground made out to interfere in the impugned order, accordingly, the revision fails and is hereby dismissed in *limine*.

(Vivek Bharti Sharma, J.)
08.04.2025

SS