



CNR: KAHC010416832014

NC: 2026:KHC:47339
CRL.A No. 1057 of 2014

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 1057 OF 2014 (C)

BETWEEN:

P. K. PRAKASH,
S/O KAVERAPPA,
AGED ABOUT 35 YEARS,
SEEGEHOSUR VILLAGE,
MADALAPURA POST,
SOMWARPET – 571 236.

...APPELLANT

(BY SRI. B. S. BASAVARAJU., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY RANGE FOREST OFFICER,
SOMWARPET,
REPRESENTED BY ITS

Digitally
signed by
SUSHMA
LAKSHMI
B S
Location:
High Court
of
Karnataka



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PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE – 560 001.

...RESPONDENT

(BY SRI. S. JAVEED., HCGP)

THIS CRL.A IS FILED U/S.374(2) CR.P.C BY THE
ADVOCATE FOR THE APPELLANT/ACCUSED NO.1 PRAYING TO
SET ASIDE THE ORDER DATED:30.10.14 AND SENTENCE
DATED 17.11.14, PASSED BY THE I ADDL. DISTRICT AND
SESSIONS JUDGE, KODAGU AT MADIKERI, IN S.C.NO.55/2010,
CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCE
P/U/S 24(e), 2(7a), 18, 84, 86, 87, 62 OF KARNATAKA FOREST
ACT AND RULE 165 OF KARNATAKA FOREST RULES.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

1. This criminal appeal is filed by the appellant being aggrieved by the order dated 30.10.2014 passed in S.C.No.55/2010 on the file of I Additional District and Sessions Judge, Kodagu-Madikeri, for the offences punishable under Section 235(2) of Cr.P.C for the offence punishable under Section 24(e), 2(7a), 18, 84, 86, 87, 62 of Karnataka Forest Act and Rule 165 of Karnataka Forest Rules.

Factual matrix of the case:

2. The case of the prosecution is that on 23.10.2007, when the forest officials on gustom duty in the reserved forest at Jenukallu betta of Hebbala Sub Range at Somwarpet, the accused persons were illegally cutting the sandalwood tree with the help of weapons and they have converted the said three billets worth Rs.10,000/- which was weighing 10 kgs. When the accused were attempting to transport the said sandalwood billets, the forest officials



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apprehended the accused and seized the sandalwood and also registered a case, conducted investigation and submitted the charge-sheet.

3. To prove the case of the prosecution the prosecution got examined three witnesses as P.W.-1 to P.W.-3 and got marked five documents as Ex-P1 to P5 and identified material objects as MO-1 to MO-5.

4. Heard learned counsel for the respective parties.

5. Learned counsel for the appellant submits that even though the prosecution has examined three witnesses who are the forest officials and interested witnesses, no independent witnesses have been examined to substantiate the seizure of the alleged sandalwood billets. The procedure has not been followed by the Investigating Officer in accordance with law. However, the Trial Court has not considered the said aspect and



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proceeded further and rendered the conviction which is unsustainable. Therefore, the conviction rendered by the Trial Court has to be set aside. Making such submissions learned counsel for the appellant prays to allow the appeal.

6. *Per Contra*, learned High Court Government Pleader for respondent vehemently justified the judgment of conviction and order on sentence passed by the Trial Court and submitted that PW-1 to PW-3 are the forest officials. Merely because independent witnesses have not been examined that itself cannot take out the case of the prosecution. The forest officials have supported the case of the prosecution even though they were subjected to cross-examination. Nothing has been elicited to discredit their evidence. Therefore, the evidence of these witnesses is consistent and sustainable. Hence, the findings of the Trial Court in rendering the conviction are proper and appropriate. There is no occasion for this Court to interfere



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with the said findings. Making such submissions learned High Court Government Pleader for respondent prays to dismiss the appeal.

7. Having heard learned counsel for the respective parties and on perusal of the findings of the Trial Court, it appears that PW-1 to PW-3 are the forest officials and interested witnesses to the case. Though the Investigating Officer cited independent witnesses to substantiate the seizure, the prosecution has failed to examine them. In the absence of the examination of the independent witnesses to the alleged seizure and in the absence of testimony from these independent witnesses regarding the alleged seizure, it is inappropriate to conclude that the seizure has been proven solely through the evidence of the forest officials. Consequently, the Trial Court committed grave error in appreciating the evidence on record in respect of the seizure of the alleged sandalwood billets.



Hence, the findings of the Trial Court required to be set aside.

8. In the light of the observations made above, I proceed to pass the following:

ORDER

- i. This criminal appeal is ***allowed.***
- ii. The judgment of conviction and order dated 30.10.2014 passed in S.C.No.55/2010 on the file of I Additional District and Sessions Judge, Kodagu-Madikeri, is hereby, set aside.
- iii. The appellant is acquitted for the offences punishable under Section 235(2) of Cr.P.C for the offence punishable under Section 24(e), 2(7a), 18, 84, 86, 87, 62 of Karnataka Forest Act and Rule 165 of Karnataka Forest Rules.



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iv. Bail bonds executed if any, stands
cancelled.

**Sd/-
(S RACHAIAH)
JUDGE**

NM/-
List No.: 1 Sl No.: 39