

THE HIGH COURT OF TRIPURA
AGARTALA

CRL.REV.P. 50 OF 2009

Sri Shyamal Debbarma,
S/O. Sri Sukhi Ranjan Debbarma,
of Poyapara, P.S. Killa,
Dist.- South Tripura.

..... **Petitioner.**

- V e r s u s -

The State of Tripura
Represented by the Secretary,
Dept. of Home,
Government of Tripura.

..... **Respondent.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the petitioner : None.

For the respondent : Mr. R.C. Debnath, Addl. P.P.

Date of hearing and
delivery of judgment
and order. : 03.03.2015.

Whether fit for reporting : **YES.**

JUDGMENT & ORDER (ORAL)

This petition was filed by Sri M.K. Roy and Mr. D. Dutta, Advocates. On 08-05-2014 when this matter was first listed, no representation was made on behalf of the petitioner and it was ordered that a legal aid counsel would be appointed in case none appears for the petitioner. Thereafter, on 24-07-2014 none had appeared on behalf of the petitioner and this Court had appointed

Sri Bidesh Debnath as legal aid counsel to assist the Court. On 05-11-2014, Sri Bidesh Debnath was not present despite the fact that he had been appointed legal aid counsel. The matter was adjourned to 09-02-2015 when Mr. Bidesh Debnath appeared and prayed for a date. The matter is listed for today when again Mr. Bidesh Debnath is not present.

2. It is indeed shocking that a counsel appointed as legal aid counsel is not appearing in this case and this is the second occasion when he has not put in appearance. Therefore, a copy of this order shall be sent to the Member Secretary of the Tripura Legal Services Authority as well as to the Secretary of the High Court Legal Services Committee to strike off the name of Sri Bidesh Debnath from the list of counsel entitled to represent the accused persons as legal aid counsel.

3. Coming to the merits of the case. In view of the fact that neither the original counsel nor the legal aid counsel have cared to appear in the case, I now propose to dispose of the case after going through the record with the assistance of Mr. R.C. Debnath, learned Addl. Public Prosecutor.

4. This revision petition is directed against the judgment dated 10-01-2008 delivered by the learned Sessions Judge, South Tripura, Udaipur in case No. Criminal Appeal 33(4) of 2007 whereby he dismissed the appeal filed by the petitioner herein and upheld the judgment dated 28-09-2007 passed by the learned

Chief Judicial Magistrate, South Tripura, Udaipur in case No. C.R. 152 of 2007(F) convicting the accused of having committed an offence punishable under sections 41 and 42 of the Indian Forest Act read with Rule 13 of the Transit Rules and sentencing the petitioner to undergo rigorous imprisonment for 3(three) months and to pay a fine of Rs.500/- (rupees five hundred) and in default of payment of fine to suffer further rigorous imprisonment for one month.

5. Briefly stated, the facts of the case are that the Forester/Officer-in-Charge of the GRFP of Bandowar filed a written complaint stating that when he was patrolling the Thelakong-Killa road along with his staff, he received secret information that some illicit timber was being carried. On the basis of this secret information, he proceeded along with the staff to No.3 Colony. They found a truck going at a high speed from Killa and they stopped the truck. The complainant along with his staff members ambushed the truck inside the jungle. On seeing the Forest officials, some of the persons travelling in the truck fled away. However, the petitioner was apprehended at the scene of the occurrence itself and was duly arrested. The petitioner failed to produce any license or permit permitting him to carry the timber found in the truck. Thereafter, the case was lodged against him.

6. Both the learned Courts below have come to a pure finding of fact that the petitioner was apprehended by the complainant and his staff on Thelakong-Killa road after they

stopped a vehicle. Whereas 4/5 persons managed to run away from the vehicle, the petitioner Shyamal Debbarma was arrested at the scene of the crime itself and on search of the truck, 40 logs of timber were recovered from the truck in question. No explanation worth the name has been given by the petitioner as to how he was travelling in the truck and he has produced no permission to carry the timber. The findings arrived at by the Courts below are pure findings of fact.

7. Therefore, I find no merit in the petition which is accordingly dismissed.

8. Send down the lower court records forthwith.

CHIEF JUSTICE