

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Appeal No.303 of 2003
(State of Maharashtra thr Range Forest Officer, Dhanora, Tq. Dhanora,
Distt- Gadchiroli V Rajkumar Shende and another)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's orders

[Shri Prashant Gode, Adv for appellant.
 Shri M.P. Khajanchi, Adv for respondent.]

CORAM : A.B. CHAUDHARI, J.
DATED : 08.07.2015.

This appeal against acquittal has been filed by the appellant/ State Range Forest Officer, Dhanora, Tq. Dhanora, District Gadchiroli.

Seen the judgment and the reasons recorded by the learned trial Judge. The encroachment was alleged to have been made on Survey No.256 belonging to the Forest Department. The allegation is that the respondent/accused had constructed the toilet, hotel and the playground on the forest land by making encroachment. However, to measure the entire property of the Forest Department is the requirement of law as consistently held by this Court. The burden of proof was on the appellant

which was not discharged. However, the respondent has made encroachment and the same cannot be allowed to continue, but then the process to measure the land in the right perspective must be undertaken. That being so, I make the following order :-

Order

A] Criminal Appeal No.303 of 2003 is dismissed.

B] The appellant to measure both the lands and find out, if there is any encroachment, after issuing notice to the respondent and thereafter proceed accordingly.

C] The appeal against appellant no.2-Amrut s/o Mahadeo Meshram, stands dismissed as abated.

JUDGE