

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO.83 OF 2015

State
Through Deputy Conservator
Forests (Major)
Wild Life & Eco-tourism Division
(South), Margao-Goa .. Applicant

Versus

1. Shri Cuiro Vaino Gaonkar, (Major)
H.No.49, Kuskem waddo,
Village Cotigao,
Taluka Canacona.
2. Shri Ulhas Gurko Gaonkar, (Major)
R/o H.No.53, Kuskem waddo,
Village Cotigao,
Taluka Canacona-Goa. .. Respondents

Mr. S. R. Rivankar, Public Prosecutor for the Applicant.

Mr. C. A. Ferreira and Ms. R. Almeida, Advocates for the respondents.

CORAM :- S. B. SHUKRE, J.

DATE : 23rd February, 2016.

ORAL JUDGMENT :

Heard. Admit. Heard finally, by consent.

2. Learned Public Prosecutor has brought to my notice a notification dated 28/02/1983 whereby, the powers and duties

under Section 55 of the Wildlife Protection Act, 1972 (the said Act, for short) have been delegated to the Officers of the ranks of Assistant Conservator of Forest and Range Forest Officer. It is an admitted fact that this notification was not placed before the learned Sessions Judge and, therefore, appropriate consideration to it could not be given by the learned Sessions Judge. The only ground on which the learned Sessions Judge has proceeded in the matter is that the complainant i.e. the Assistant Conservator of Forest was not duly authorised officer as per the mandate of Section 55 of the said Act. Therefore, now, this matter is required to be remanded back to the learned Sessions Judge for fresh consideration of the entire application of the respondent in the light of the notification dated 28/02/1983 as well as the other material available on record.

3. In the result, the Revision Application is allowed. The impugned order is quashed and set aside and the matter is remanded back to the learned Sessions Judge for consideration afresh in accordance with law. Liberty to place on record of the learned Sessions Court as well as the Trial Court the notification dated 28/02/1983 issued by Chief Wild Life Warden, Goa, Daman and Diu is granted.

4. The Revision Application is disposed of in the above terms.

SMA

S. B. SHUKRE, J.