

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1335 OF 2002

The State of Maharashtra	...	Petitioner
vs.		
Gurjan Singh s/o Mukhtyar Singh	...	Respondent

Mrs. A.A.Mane, APP, for the Petitioner-State.
Mr. S.P.Kanuga, Advocate for the respondent.
PSI Mr. V.S.Patil, Vanpal from Dahanu Range present.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 17th June, 2016.

P.C.

Heard. Rule. Rule returnable forthwith with the consent of the parties.

2. The petitioner – State of Maharashtra has filed the present Writ Petition challenging the order passed in Criminal Appeal No.27 of 2002 by the learned Sessions Judge, thereby giving custody of the truck which was allegedly transporting forest produce, in the custody of the respondent. The learned Sessions Judge had gone into the merits of the matter and had observed that the truck No.GH-6/T-7422 was intercepted on 4.7.2001 while transporting the goods “Khair” pieces from Badlapur to Himmatnagar.

That the truck was checked at the Check Post and they were seized by the panchnama dated 4.7.2001. The learned Sessions Judge has observed that in fact there were three panchnamas dated 4.7.2001, 5.7.2001 and 21.7.2001. It is also observed that there is variance in all the three panchanamas. The Asstt. Conservator of Forest Department had drawn a conclusion that no forest offence was committed and therefore directed the release of the truck in favour of the respondent. The learned Sessions Judge has also recorded that the respondent No.4 had issued a Transit Permit for transportation of the said mater from Badlapur to Himmatnagar and order of confiscation had been passed by the Conservator of Forests which was under challenge in Criminal Appeal No.27 of 2002. The learned Sessions Court has allowed the appeal and had restored the order passed by the Asstt. Conservator of Forests, Dahanu at Kasa and that the truck was released in favour of the present respondent. This Court cannot be oblivious of the fact that the impugned order had been stayed by this Court on 30.9.2002.

3. The learned counsel for the respondent submits that in the intervening period, since there was no stay, the truck was in the custody of the respondent. The Forest Authorities had not conveyed to the respondent the order dated 30.9.2002. After 14 years of the pendency of this Petition,

the learned counsel for the respondent rightly submits that he has no communication with the respondent. His efforts to inform the respondent that the matter is due for final hearing has failed. In view of this, it appears that the order had already been executed and no further action was taken by the appellant – State of Maharashtra to restore the possession of the truck to the Forest Department. In view of this, the cause for the petition does not survive. The prayers have become infructuous.

4. Hence, the Petition stands dismissed and disposed of accordingly.

(SMT.SADHANA S.JADHAV, J.)