

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

CRIMINAL APPLICATION (APPA) NO.733 OF 2018

IN

CRIMINAL APPEAL NO. OF 2018

(STATE OF MAH. THR. RFO...VS.. GURMITSINGH ATTARSINGH CHAWLA.)

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

Court's or Judge's orders

Shri T.A.Mirza, A.P.P. for Applicant/Appellant.
Shri J.J. Chandurkar, Advocate for Respondent.

CORAM : Z.A.HAQ, J.

DATED : OCTOBER 19, 2018.

The State of Maharashtra has filed appeal to challenge the judgment passed by the learned Magistrate by which the respondent/accused is acquitted of the charge of commission of the offence punishable under Section 33(1)(b), (c) and (h) of the Indian Forest Act, 1927.

The learned A.P.P. has pointed out that the investigation was undertaken after Division Bench of this Court passed order in Criminal Application (ABA) No. 462 of 2014 on 6th May 2015 directing that the FIR be lodged against the officers and the employees of the Forest Department for abetment of the offence under the Indian Forest Act, 1927 as well as the Indian Penal Code. It is further submitted that the application filed by the co-accused under Section 482 of the Code of Criminal Procedure, praying that the first information report be quashed, is also dismissed.

With the assistance of the learned A.P.P. and the learned advocate for the non-applicant/ respondent/accused, I have gone through the notes of evidence and the impugned judgment.

The facts on record show that the evidence is not appreciated properly by the learned Magistrate. The State of Maharashtra has made out a case for grant of leave to file and prosecute the appeal to challenge the above referred judgment.

Hence, leave **granted**.

The appeal is taken up for hearing on admission.

ADMIT.

Action under Section 390 of Code of Criminal Procedure. The respondent / accused shall execute P.R. bond for Rs.Five Lakhs and furnish two solvent sureties for Rs.Two Lakhs each.

Shri J.J. Chandurkar, Advocate waives notice for the respondent.

Call R & P.

JUDGE