

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1301 of 2016

Arising Out of PS. Case No.-125 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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Dharmendra Kumar, Son of Surendra Kumar, Resident of Village-
Muzaffarpur, P.S.- Shahar, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department, Govt. of Bihar, Patna.
2. The Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Sasaram, Rohtas.
3. The Forest Range Officer, Darigaon Forest Area, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ambuj Nayan Chaubey, Advocate
For the Respondent/s : Mr.Chittranjan Sinha, PAAG-2

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 08-01-2019

By way of filing the instant writ petition the petitioner has prayed for quashing of the Forest Case No. 125 of 2016 dated 14.11.2016 lodged by the Forest Range Officer, Darigaon Forest Range, Rohtas under Sections 33, 41 and 42 of the Indian Forest Act, 1927.

2. On perusal of the complaint lodged by the Forest Range Officer in the court of Chief Judicial Magistrate, Sasaram, Rohtas, I find that allegation has been made that on 13.11.2016 while the complainant was on night patrolling with the police personnel of Sasaram (Mufassil) police station and forest employees, he saw many trucks coming fast. When these trucks were chased, some drivers fled from there while some others were



caught. On inspection, he found trucks loaded with stone chips mined from Fazilpur Forest Reserve Area. All the trucks were seized. With the help of local driver, they were taken to Ansari Bhavan. It is alleged that Fazilpur is a Reserve Forest Area by the State Government Notification No. 595 A/F- A. Q. 5/69 dated 21.02.1969. It is further alleged that the allegations made above attract the ingredients of offences punishable under Sections 33, 41 and 42 of the Indian Forest Act, 1927.

3. On the basis of the aforesaid complaint, cognizance has been taken by the court of Magistrate.

4. The contention of the petitioner is that he is owner of two trucks bearing Regd. No. BR 01GA- 5237, and Regd. No. UP-67T- 1989. He is innocent and his driver had not committed any offence under the Indian Forest Act. The trucks of the petitioner was carrying ¾” sized stone chips from the plant of M/S Prakash Stone Works situated at Bari, Dala, Sonbhardra district, Uttar Pradesh to be delivered at destination of its purchaser at Naubatpur, Arwal in Bihar under a valid license/permit by paying proper government revenues.

5. The trucks of the petitioner were forcibly stopped by the police officers and was not allowed to go despite showing valid challan, permit and other valid documents shown by the driver.



His further case is that the truck was not seized while carrying the stones from the forest area and hence also the complaint is filed.

6. Per contra, the contention of the respondent State is that the allegations made in the complaint clearly attract the ingredients of offences alleged and on application of mind the learned Magistrate has taken cognizance of the offence which requires no interference by this Court on the defence taken by the petitioner in the present application.

7. Having perused the materials available on record, I find substance in the submission of the learned counsel for the State. The allegations made in the complaint clearly attract the offences alleged in the complaint, hence no illegality can be found either in the complaint or in the proceedings going on before the court below.

8. In that view of the matter, I see no merit in the writ petition, It is dismissed accordingly.

(Ashwani Kumar Singh, J)

Sushma/SKSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11-01-2019
Transmission Date	11-01-2019

