

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 325 of 2006

Order reserved on 08.01.2019

Order delivered on 06.02.2019

1. Keju Ram S/o. Budhwar Singh Gond, Aged about 68 years,
(Deleted)
2. Maya Ram S/o. Rajau Ram, Aged about 39 years,

Both are residents of Bodra, Police Station Mohla, District
Rajnandgaon (C.G.)

---- **Applicants**

Versus

State of Chhattisgarh, the District Magistrate, through Forest
Department, Malkasa region, Dondilohara, District Durg (C.G.)

---- **Respondent**

For Applicant : Mr. B.P. Singh, Advocate.
For Respondent : Mrs. M. Asha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

CAV Order

By this revision petition the applicant has assailed the
judgment dated 24.04.2006 passed by Additional Sessions Judge
Balod, District Durg in Criminal Appeal No. 82/2004 affirming the
judgment dated 27.01.2004 passed by Judicial Magistrate First
Class Balod, in Criminal Case No. 166/2002 convicting the
accused/applicants under Section 51 of Wild Life Protection Act

and sentencing them to undergo R.I. for 1 year and to pay fine of Rs. 1000/- each plus default stipulation.

2. Facts of the case, in short, are that while on petrolling duty, on 25.11.1994 Assistant Forest Ranger G.L. Jangade (PW-1) apprehended the accused/applicants at Kumurkata market place on suspicion and found three pieces of panther hide and one piece of python skin kept in a bundle which they were bearing on their head. On inquiry, the accused/applicants admitted their guilt of selling the aforesaid articles and also the act of killing the wild animals by shooting at. On their discloser statements three pieces of panther hide and one piece of python skin were seized under Ex.P-1. After completing the aforesaid investigation, charge sheet was filed and offence under Section 51 of Wild Life (Protection) Act was registered against the applicants.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Section 51 of Wild Life (Protection) Act and sentenced them to undergo RI for 1 year. However, in appeal the conviction has been maintained. Hence, this revision.

4. Learned counsel for the applicants submits that trial Court as well as Appellate Court committed illegality in not appreciating the evidence on record in their true perspective. He further submits that the Courts below have committed an error in convicting and sentencing the accused/applicants as mentioned above though

the evidence led by the prosecution was lacking and therefore, the same may be set aside.

5. State counsel however, supports the findings recorded by the Court below.

6. Having seen the material on record in particular the evidence of (PW-1), (PW-2) and (PW-3) and keeping in view the seizure made under (Ex.P-1), it becomes apparent that the accused/applicants have committed an offence under the Wild Life (Protection) Act 1972. There is no illegality in the findings recorded by both the Courts below as they are strictly based on the evidence adduced by the prosecution which remains unbuttered by the defence by adducing any cogent and clinching evidence. In this view of the matter, no interference appears to be necessary with the judgment impugned. Accordingly, it is affirmed and the revision is hereby dismissed.

(Vimla Singh Kapoor)
JUDGE

Jyotishi/Santosh