

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1792 of 2019

- State of Chhattisgarh, through- Forest Range Officer, Udaypur,
District- Surguja (C.G.) **---- Petitioner**

Versus

1. Indrapal, S/o- Fatte Singh, Aged about- 38 years, R/o- Sontarai,
Police Station
2. Thakur, S/o- Charan Ram, Aged about- 40 years, R/o- Bogru,
P.S.- Udaypur, District- Surguja (C.G.) **---- Respondents**

For State/Petitioner : Shri Ishwar Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

04/12/2019

1. Heard on I.A. No. 01/2019, which is an application for
condonation of delay in filing the petition.
2. On due consideration and for the reasons mentioned in the
application, delay of 171 days in filing the instant petition is
condoned.
3. Also heard on application for grant of leave to appeal filed under
Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against the judgment dated
24th October, 2018 passed by Judicial Magistrate First Class,
Ambikapur, District- Surguja (C.G.) in Criminal Case No.
5935/2012 wherein the said Court acquitted both the respondents
for charge under Sections 33(1)(f) of Indian Forest Act, 1927 and
Section 16 of the Chhattisgarh Forest Produce (Regulation of
Business) Act, 1969.
5. In the present case, the prosecution examined only one witness
namely Mahmood Khan (PW-1). This witness has not supported
version of the prosecution and he denied any seizure from the

possession of respondents. The prosecution was under obligation to establish that forest produce was removed from protected forest and same was removed without having any transit pass issued by the authority.

6. To substantiate the charge, no one deposed before the trial Court regarding commission of offence. In absence of evidence the trial Court recorded finding of acquittal.
7. In view of the above, it is not a case where interference of this Court is required in the judgment of the trial Court. It is not a case where respondents should be called for full consideration of this petition.
8. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge