



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 24 OF 2025.

Mangaldas Shalikram Kowache

-VERSUS-

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.M Patwardhan, Advocate for the Petitioner.

Shri A.G. Mate, A.P.P. for the Respondent.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 30, 2026.

Heard.

2. By this petition filed under Articles 226 and 227 of the Constitution of India, challenge is raised to an order dated 19.10.2024 passed by the Additional Sessions Judge-1, Nagpur in Criminal Appeal No.207/2024 and further to the order passed by the respondent – Range Forest Officer, Deolapar Region dated 28.12.2023.

3. The learned Counsel for the petitioner submits that no opportunity of hearing was given by the respondent before passing the order dated 28.12.2023. Even no notice is issued to the

petitioner. He submits that petitioner has never filed his say before the respondent, still the respondent has observed in reference to order dated 28.12.2023, that say was considered. It is therefore, the submission of the petitioner that when notice itself is not received by the petitioner, there is no question of filing say, therefore, the impugned order dated 28.12.2023 is passed without following the principles of natural justice and the same is required to be quashed and set aside. It is further submitted that the petitioner has preferred an appeal before the Additional Sessions Judge-1, Nagpur against the order passed by the respondent, however, even the Additional Sessions Judge has not considered this aspect and has erred in passing the impugned order dated 19.10.2024. Lastly it is submitted that confiscation of tractor and trolley of the petitioner therefore is bad in law and needs to be quashed and set aside.

4. On the other hand, the learned A.P.P. vehemently opposes the petition by submitting that the petitioner was served with the notice on 04.12.2023. The said notice was issued on 01.12.2023. Pursuant to said notice, the petitioner appeared before the respondent and he was given an opportunity. It is therefore, the submission of the learned A.P.P. that it cannot be said that no opportunity was given to the petitioner. Son of the petitioner was

driving the tractor with trolley at the relevant time and was carrying illegal forest produce, and therefore, an offence was registered against the petitioner and his son. It is submitted that the findings recorded by the respondent and the Additional Sessions Judge are consistent, and they are based on facts of the case. He submits that, under Article 227 of the Constitution of India, this Court has very limited scope, and further submits that the findings recorded in the impugned order may not be disturbed.

5. I have considered the rival submissions of the parties, gone through the impugned order. I have also perused the notice issued to the petitioner on 01.12.2023, which was received by the petitioner on 04.12.2023. Though the petitioner is denying receipt of said notice, however, there is endorsement by the petitioner on the said notice as regards receipt of the notice and even he has mentioned the date as 04.12.2023. It further appears from the record that the order passed by the respondent dated 28.12.2023 that the petitioner has appeared before him on 22.12.2023. It further appears that the respondent has considered his statement dated 23.06.2023 before the Range Forest Officer and after giving an opportunity to the petitioner, the impugned order dated 28.12.2023, came to be passed.

It is apparent from the face of record that the petitioner was issued notice, it was served on the petitioner, he appeared before the respondent and thereafter, the order dated 28.12.2023 came to be passed. Thus, in such circumstances it cannot be said that the petitioner was not given any opportunity of hearing. At this juncture it is relevant to mention that a Criminal Appeal No.207/2024 was filed against the order dated 28.12.2023 before the Additional Sessions Judge-1, Nagpur, wherein the Additional Sessions Judge-1, Nagpur has considered all these facts and held that the order of confiscation of the tractor and trolley under Sections 52[1], 61A and 65A of the Indian Forest Act is correctly passed. Considering the findings recorded in both the impugned orders, I do not find any perversity in the same. The writ petition is devoid of any merits and is therefore, dismissed.

JUDGE