



**IN THE COURT OF VII ADDL. DISTRICT AND SESSIONS
JUDGE, BELAGAVI SITTING AT CHIKODI.**

:: PRESENT ::

SRI. VIJAY KUMAR, B.Sc., L.L.B,
VII Addl. District & Sessions Judge,
Belagavi, sitting at Chikodi.

DATED THIS THE 29th DAY OF JUNE, 2026

S.C.No. 193/2019

COMPLAINANT:

The State of Karnataka By
Harugeri P. S.

(Rep By: Public Prosecutor)
V/s

ACCUSED

A-1 Vittal Ramappa Manga,
Age: 19 years, R/o: Khanadal,
Tq: Raibag, Dist: Belagavi.

A-2 Basavaraj Kallappa Ganjyale,
Age: 41 years, R/o: Khanadal,
Tq: Raibag, Dist: Belagavi.

(Abated)

A-3 Shivalinga Maruti Shindhe,
Age: 35 years, R/o: Saidapur, Near,
Factory cross, Mudhol, Bagalkot.
(Rep by A-1 Sri. L. B. Pujeri,
A-3 Sri.I. B. Rajgoli, Advocates)

01.	Date of commission of offence	25.04.2018
02.	Date of report of commission of offence	26.04.2018
03.	Name of the complainant	M. R. M. Tahasildar,
04.	Offences complained of	U/Sec. 379 IPC, Sec. 86 & 87 of Karnataka Forest Act

05.	Charge framed	U/Sec. 379 IPC, Sec. 86 & 87 of Karnataka Forest Act
06.	Date of commencement of evidence	16.04.2024
07.	Date of completion of evidence	16.10.2025
08.	Date of Judgment	29.06.2026
09.	Opinion of Judge	Acquitted

JUDGMENT

The Assistant sub-Inspector of Police, Harugeri Police Station has submitted charge sheet against the accused No.1 to 3 for the offences punishable under Sec. 379 IPC, Sec. 86 & 87 of Karnataka Forest Act.

2. The brief facts of the prosecution case is that:-

The complainant, who is the PSI of Harugeri Police Station, received credible information while at the station regarding two persons illegally transporting sandalwood pieces on a motorcycle from Khanadala village to the GLPC Canal, heading towards the Mughlakhoda Chowki bridge. Immediately, the complainant alerted his staff, secured two Panchas, and shared the information he had received. They all proceeded to the location, hide their vehicle near the Investigation Bungalow of GLBC Mughalakoda Chowki. From

their concealed position near the road by the bridge, they observed the road. At about 10:00 AM, two persons arrived on a motorcycle, with a bag placed on the petrol tank. The complainant suspected that these were the persons they had been informed about. The complainant immediately signaled the rider to stop. At that moment, the person sitting behind the motorcycle jumped off and ran away. The complainant held onto the motorcycle rider, who is Accused No.1, and asked for his name and address, as well as the address of the person who fled, i.e. Accused No. 2. During the search, the complainant discovered sandalwood billets in a bag. The complainant then arrested Accused No. 1 and seized the sandalwood pieces weighting 5,100 KG, along with the motorcycle, in the presence of witnesses, under Panchanama. Upon inquiry, Accused No. 1 stated that Accused No. 2 had stolen the sandalwood billets with the intention of selling them to Accused No. 3, and that they did not possess a license to transport the sandalwood. Based on this report of CW.1, the ASI registered an FIR, arrested Accused No.1, and produced him before the magistrate. After

completing the investigation, the ASI submitted a charge sheet against Accused Nos. 1 to 3 for the aforementioned offenses.

3. The accused No.1 to 3 were released on bail. The learned Magistrate, after submission of the charge-sheet, has taken cognizance of the alleged offences against accused Nos. 1 to 3 and registered C.C.No.898/2018. The learned Magistrate has supplied copies to the accused No. 1 to 3 as required U/s 207 of Cr.P.C. and then committed the case to this court U/Sec. 209 of Cr.P.C.

4. After Committal of case accused No.2 died and case against him was abated. After hearing both sides, my learned predecessor has framed the charge against accused No.1 and 3 for the offence punishable U/Sec. 379 of IPC, Section 86 and 87 of Karnataka Forest Act and same was read over and explained to the accused persons, who did not pleads guilty and claims to be tried.

5. The prosecution to prove guilt against the accused persons examined eight witnesses as PW.1 to 8 and marked Ex.P.1 to 10. Accused statement is recorded under Section

313 Cr.P.C, wherein the accused persons are denied the incriminating evidence that appeared against them and not chosen to lead defense evidence.

6. Heard learned PP for the State and learned counsel for accused and perused evidence on record. From the above facts the following points that arise for my consideration are:-

1. Whether the prosecution proves beyond all reasonable doubt that 26.04.2018 at 10-00 am, at the road leads to Kahanadala-Mughalakhod Road near Chowki bridge the accused No.1 and 2 were found in possession of sandalwood piece without license obtained from competent authority under Karnataka Forest Act and thereby committed the offence punishable U/Sec.87 Karnataka Forest Act?

2. Whether the prosecution proves beyond all reasonable doubt that, on the same day, the accused No.1 and 2 have cut the sandalwood trees into pieces from accused No.2 and transported them with intention to sell to accused No.3 along with accused No.1 and thereby committed the offence punishable U/Sec.86 of Karnataka Forest Act?

3. Whether the prosecution proves beyond all reasonable doubt that, on the same day, same time and same place the accused No.1 and 2 with dishonest intention of committing theft of sandalwood situated in the land of accused No.2 have cut the same without license from the competent authority which is belonging to the government with intention to sell it to accused No.3 and thereby accused No.1 and 2 have committed the offence punishable U/ Sec. 379 IPC?

4. What order?

7. My answer to the above points are as follows:

Point No.1 to 3:- In the negative.

Point No.4:- As per final order

REASONS

8. **Points No.1 to 3:-** These three points are interrelated to each other and as such, they are taken together for common discussion to avoid repetition of facts.

9. The prosecution has examined the C.W.6-Head Constable as PW.1 and C.W.7- PSI of Harugeri police station as PW.4. These two witnesses deposed that, PW.4 was received information about two people illegally transporting

sandalwood on a motorcycle from Khanadala village to Mughlakhoda near Chowki bridge and secured his staffs and Panchas and went to the location and they watched the spot. At around 10:00 AM, two persons came on a motorcycle with a bag on the petrol tank containing sandalwood billets. When the accused No.2 being the pillion rider of the motorcycle on seeing the police jumped from motorcycle and fled away from the spot. The complainant caught the motorcycle rider, who is Accused No. 1, and the person who fled away is Accused No. 2. The PW.4 on searching the bag he found sandalwood billets, weighing 5,100 kg, along with the motorcycle, under the Ex.P3 Panchanama. Accused No. 1 stated that Accused No. 2 stolen the sandalwood from his land to sell it to Accused No. 3 and they did not have a license to transport the sandalwood. Therefore the PW.4 arrested the accused No.1 and produced before the ASI Harugeri along with seized sandalwood billets and motorcycle.

10. PW.1 in Cross-examination stated that a total of five persons went to conduct a raid, he did not know the

company of the weighing machine he brought, and the color of the clothes of the 2nd accused was wearing, and also he did not know who took the photographs at the spot. He did not sign the seizure Panchanama in the spot. This cross-examination discloses that he did not state about Panchas also accompanied the team to conduct the raid.

11. PW.4, during his cross-examination, admitted that upon viewing Ex.P4 photograph, it was observed that there were some houses in the background and some people riding motorcycles. He stated there was no reason to make the people from the houses or those present at the spot act as Panchas since they were local residents. He further admitted that no specific markings were made on the sandalwood pieces when they were taken as samples marked as MO1 and MO2. Additionally, he admitted that he did not mention the names of the persons who were present with him at the time of conducting the Panchanama. It was also noted that a printer, laptop, and their accessories were taken as part of the investigation material and were brought to the location for conducting the Panchanama. Pw.4 denied the suggestion

that they had not conducted the raid, arrested the accused, and seized MO1 and MO2 sandalwood billets at the spot.

12. PW.2 Gopala Jambagi, in his chief examination, stated that he was working at Sri Mahalakshmi Grocery Store in Hallura village. About 4–5 years ago, at around 10:30 AM, while he was at the shop, CW6, a police constable, came and requested a weighing machine. Pw.2 provided the weighing machine and explained how to use it. CW6 later returned the weighing machine at 1:00 PM on the same day. His evidence is not useful since he was seen the accused or seizing the alleged sandalwood billets from the accused persons.

13. PW.5 Shrishyla Ningappa Dashyal, who was the revenue inspector at Harugeri Municipality, deposed that in April 2018, the police summoned him along with another person to the road in front of Mughlauda Canal. They went there around 10:30 AM. The police had received information that sandalwood billets were being transported on a motorcycle. At that time, two people were coming from Canal Road on a motorcycle. The police seized the motorcycle and

found sandalwood billets in the setback, weighing 5 kg. Samples of two billets were taken, and photographs were also taken. After drawing up the Panchanama, he signed it, with his signature marked as Ex.P3.

14. The public prosecutor cross-examined this witness after treating him as a partly hostile witness. In cross-examination, he admitted all the suggestions put by the learned Public Prosecutor, including that the police summoned him to the police station, informed him about two persons transporting sandalwood illegally on a motorcycle, and that he went to the spot with the police raiding team, where sandalwood billets were seized from Accused No.1 along with the motorcycle.

15. In his cross-examination by the accused counsel, PW.5 admitted that he did not obtain written permission from his higher authorities when leaving the office during working hours. Apart from this admission, nothing else was elicited in cross-examination to discredit the evidence of PW.5 regarding the conduct of the raid, seizure of

sandalwood billets, and the drawing of the Ex.P3 Panchanama at the spot.

16. PW.6 Kirana Singhadi Bhagi is another seizure Panchanama witness completely turned hostile and he has not supported about seizure of Sandalwood billets from the accused persons in his presence under the Ex.P-3 Panchanama. The learned P.P. treated PW.6 as a hostile witness and cross-examined him with the permission of the Court, but nothing worthwhile was elicited from him to prove the Ex.P3 Panchanama.

17. PW.7 Lakshmana Balappa Kabbur is spot Panchanama witness completely turned hostile and he has not supported about seizure of Sandalwood trunks and branches in the spot where the sandalwood tree allegedly cutting by the accused persons in his presence under Ex.P-7 Panchanama. The learned P.P. treated PW.7 as a hostile witness and cross-examined him with the permission of the Court, but nothing worthwhile was elicited from him to prove the Ex.P7 Panchanama.

18. PW.8. Soma Rajashekara Kodikoppamata, who was the Village Accountant of Khanadala and Itnala Gram Panchayath deposed that, on request of investigation officer in this case he was issued certificate stating that the land bearing Sy.No.104/3 is adjacent to the land of Kallappa Dundappa Ganjyala as per Ex.P10. In his cross-examination he stated that, it is not mentioned in the RTC extract of Sy.No.104/3 it was not mention that there were sandalwood trees.

19. PW.3 A.B. Halavara, who was Range Forest Officer of Raibag range in his examination-in-chief has deposed that on 06.07.2018, the Harugeri police were produced two sample sandalwood pieces. He has further deposed that he has received the said sandalwood pieces and after examination he issued certificate as per Ex.P1 certifying that MO1 and Mo2 are sandalwood billets. He has identified M.O.1 and Mo.2, before the court. P.W.3 in his cross-examination admitted that he ahs not mentioned the measurement, size and weight and also certificate issued by

the Government regarding he obtained training to examine the sandalwood and issuance of the certificate.

20. Learned counsel for accused relied on the following citation of High court of Karnataka:-

- 1) Smt. Aduri V/s. State of Karnataka in CrI. Appeal No.100123/2020 dated 02.02.2021.
- 2) Krishanappa V/s. State reported in 2014 CrI. R. P. 11 (Kant).
- 3) Abdulgafar Abdulgani Shunti V/s. State 2013 Cr. R. P. No. 414 (Kant).
- 4) Bhanuprakash V/s State of Karnataka KCCR 2006 (4) 2011.
- 5) State of Karnataka V/s. Praksh in Cri. Appeal No. 466/2012 (SC).

21. Referring these decisions learned counsel for the petitioner argued that the PW.3 certified the billets as sandalwood billets but he has not issue the certificate as required U/Sec.62-C of Forest Act, but has only certified as sandalwood billets. The prosecution not produced any documents shows that PW.3 is an authorized persons to issue the certificate. In this regard I referred Hon"ble Supreme court judgment in the case of State of Karnataka V/s. Praksh in 2019 (14) SCC 229 (SC). Wherein at paragraph 6 it is held that;-

On perusal of the facts of cases presented above, we find that the prosecution could not produce any evidence to show that the concerned Range Forest Officer who issued the certificate in the present case was qualified to do the same as prescribed under the provisions of Section 62C of the Act which makes it mandatory that the officer concerned should have been authorized by the Government and should have received training for examining the forest produce. The concerned forest officers have nowhere stated in their evidence that they were duly authorized by the State Government and competent to issue the certificates in question. Going by the material on record, it can be said that the prosecution has failed to prove that the requirements as contemplated under Section 62C of the Act were met by the concerned officers before issuing the impugned certificates. There is also no other admissible evidence on record in support of the prosecution case that the confiscated items were sandalwood billets. Under the circumstances, the High Court was right in setting aside the order of conviction and sentence passed by the trial court by reaching to the conclusion that the offence under Section 87 of the Act cannot be said to have been established against the accused in accordance with law.

22. In this case, the prosecution has alleged that the accused have committed the offences punishable u/Sec/86 and 87 of Karnataka Forest Act. The prosecution has specifically alleged that the accused have cut the sandalwood trees in the land belongs to accused no.2 and

transported the same with intention to sell to the accused no.3. But in view of the judgment referred by the accused counsel the prosecution has failed to prove the seized billets are sandalwood billets and PW.3 who issued the certificate was qualified to issue the same as per Sec. 62(C) of forest Act. Under these facts and circumstances, doubt arises about the case of the prosecution that the accused No.1 and 3 have committed the offences punishable U/Sec.86 and 87 of Karnataka Forest Act. As such, the accused are entitled for benefit of doubt. Hence, I answer the Points No.1 to 3 in Negative.

23. **Point No.4:-** For the reasons given to points No.1 to 3, I proceed to pass the following:-

ORDER

Acting under section 235(1) of Cr.P.C., accused No.1 and 3 are acquitted for the offences punishable under Sec. 379 of IPC, Sec. 86, 87 of Karnataka Forest Act.

Accused No.1 and 3 bail bonds and their sureties bonds shall be in force for

a period of six months as per section 437A Cr.P.C.

M.O.1 and 2 sandal wood billets are ordered to be confiscated to the State after appeal period.

(Dictated to the Laptop by using Adalath AI, corrected signed and then pronounced by me in the open court this the 29th day of June, 2026).

(VIJAY KUMAR)
VII Addl. District and Sessions Judge,
Belagavi, Sitting at Chikodi.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION :-

PW.1	:-	R.P. Kattekeri
PW.2	:-	Gopal Dhareppa Jambagi
PW.3	:-	A. B. Halavar
PW.4	:-	M. M. Tahasildar
PW.5	:-	Shrishail Ningappa Dashyal
PW.6	:-	Kiran Shingadi Bagi
PW.7	:-	Laxman Balappa Kabbure
PW.8	:-	Soma Rajshekhar Kodikoppamatha

LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENSE:

-Nil-

LIST OF EXHIBITS MARKED FOR THE PROSECUTION:

Ex.P1	:-	Letter of Range Forest Officer
Ex.P2	:-	Complaint
Ex.P3	:-	Seizure Mahazar
Ex.P4 & 5	:-	Photos

Ex.P6 :- Complaint
Ex.P7 : - Spot Mahazar
Ex.P8 & 9 : - Photos
Ex.P10 :- Certificate issued by Range Forest Officer

LIST OF EXHIBITS MARKED FOR THE ACCUSED::

-Nil-

LIST OF MATERIALS OBJECTS MARKED FOR PROSECUTION:

M.O.1 and 2 : Sandalwood billets

(VIJAY KUMAR)
VII Addl. District and Sessions Judge,
Belagavi, Sitting at Chikodi.