

FORM 'A'

IN THE COURT OF PRIYA DOGRA, JUDICIAL MAGISTRATE  
FIRST CLASS, CHACHIOT AT GOHAR, DISTRICT MANDI,  
HIMACHAL PRADESH.

Date of Judgment

: 20.07.2026

CNR No.

: HPMA04-000411-2023

Case Type

: Indian Forest Act

Registration No.

: 02/2023

Date of registration

: 25.03.2023

Police Challan under Section 32 and 33 of Indian Forest Act  
and Section 447, 379 read with section 34 of Indian Penal  
Code.

(FIR No. 55/2022, dated 20.06.2022, Police Station Gohar, District  
Mandi, H.P.)

|                |                                                                                                                                                                                                                                                                          |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Complainant    | State of Himachal Pradesh                                                                                                                                                                                                                                                |
| Represented by | Sh. Skand Thakur, learned APP                                                                                                                                                                                                                                            |
| Accused        | <div>1. Lal Man S/o Hukam Chand, R/o Village Ghadyal, P.O. Sianj, Tehsil Chachyot, District Mandi, H.P.<br/><br/>(Accused No.1)</div> <div>2. Prem Singh S/o Nand Lal, R/o Village Kashan, P.O. Sianj, Teh. Chachyot, District Mandi, H.P.<br/><br/>(Accused No.2)</div> |
| Represented by | Sh. Dinesh Thakur, learned Counsel                                                                                                                                                                                                                                       |

FORM 'B'

|                     |            |
|---------------------|------------|
| Date of Offence     | 19.06.2022 |
| Date of FIR         | 20.06.2022 |
| Date of Chargesheet | 22.03.2023 |

|                                       |            |
|---------------------------------------|------------|
| Date of Framing of Charge             | 23.06.2023 |
| Date of commencement of evidence      | 25.08.2023 |
| Date on which judgment is reserved    | 20.07.2026 |
| Date of the judgment                  | 20.07.2026 |
| Date of the sentencing order, if any, | -          |

Accused Details:-

| Rank of the accused | Name of accused | Date of arrest | Date of release on bail | Offences charged with                                                                                        | Whether acquitted or convicted | Sentence imposed | Period of detention undergone during the trial for purpose of Section 428 Cr.P.C. |
|---------------------|-----------------|----------------|-------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------|------------------|-----------------------------------------------------------------------------------|
| 1                   | Lal Man         | -              | -                       | Under Section 32 and 33 of Indian Forest Act and Section 447, 379 read with section 34 of Indian Penal Code. | Acquitted                      | —                | —                                                                                 |
| 2                   | Prem Singh      | -              | -                       | -do-                                                                                                         | -do-                           | —                | —                                                                                 |

**JUDGMENT**

Accused persons are facing trial before this Court for the commission of offences punishable under section Section 447, 379 read with section 34 of Indian Penal Code(hereinafter to be referred as 'IPC"), under Section 32 and 33 of Indian Forest Act (hereinafter referred as "IF Act").

2. The case of the prosecution, in brief, is that on

20.06.2022, Forest Guard Inder Singh came to Police Station Gohar and submitted a complaint letter, Ext. P2/PW2, along with a joint statement of the villagers, Ext. P1/PW2. In the complaint, Inder Singh alleged that on or before 19.06.2022, at Chowki Bhet, Narwandi, Tehsil Chachiot, District Mandi, H.P., the accused persons, in furtherance of their common intention, had criminally trespassed upon Government land, namely DPF Chowki Bhet, Narwandi, encroached upon the said land by constructing a road thereon, and illegally felled eight pine trees of different sizes standing on the said Government land. On the basis of the complaint, Rapat No. 23, Ext. P39/PW15, was entered. Thereafter, HC Dharam Singh No. 171, along with Motorcycle Rider HHC Dhani Ram No. 587, proceeded to the spot for verification. Upon verification, the complaint was endorsed, and Rukka, Ext. P2/PW2, was sent to Police Station Gohar through HHC Dhani Ram, on the basis of which FIR, Ext. P13/PW15, was registered. The endorsement made by the SHO regarding the registration of the FIR is Ext. P41/PW15, and the corresponding CCTNS certificate is Ext. P40/PW15.

3. During the course of investigation, the Investigating Officer seized 24 pine wood logs, Ext. M.O.1 to Ext. M.O.24, vide seizure memo Ext. P3/PW2. On 22.06.2022, accused Lal Man produced a chain saw (Ext. M.O.25) before the police, which was taken into possession vide seizure memo Ext. P15/PW15. The seized case property was thereafter deposited in the Malkhana of Police Station Gohar. The Investigating Officer prepared the spot map, Ext.

P14/PW15, and clicked photographs of the spot, Ext. P1 to Ext. P8. A certificate under Section 65B of the Indian Evidence Act was also issued as Ext. P18/PW15.

4. Thereafter, the Investigating Officer moved an application, Ext. P16/PW15, to the Range Officer, Pandoh, seeking assessment of the market value of the recovered pine wood logs. In response, the Range Officer submitted his report, Ext. P17/PW15. The Investigating Officer further applied for the demarcation of Khasra No. 43, situated in Muhal Kashan, Beat Chaprahan, vide application Ext. P4/PW8, and obtained the demarcation report Ext. P5/PW8 and Ext. P6/PW8, statements Ext. P7/PW8 and Ext. P12/PW13, spot map Ext. P8/PW8, order Ext. P9/PW8, Jamabandi Ext. P10/PW8, and Musabi Ext. P11/PW8. Furthermore, the Investigating Officer moved an application, Ext. P20/PW15, to the Range Officer, Pandoh, for obtaining the notification relating to Chowki Bhet (Narwandi) Forest, which was procured and placed on record as Ext. P11/PW10.

5. During the investigation, the Investigating Officer also recorded the statements of the prosecution witnesses under Section 161 of the Code of Criminal Procedure, in accordance with their respective versions, which are Ext. P21/PW15 to Ext. P38/PW15. Upon completion of the investigation, the police presented the challan before this Court against the accused persons for offences punishable under Sections 32 and 33 of the Indian Forest Act, 1927, and Sections 447 and 379 read with Section 34 of the Indian Penal Code, whereupon the accused persons were sent up

for trial.

6. The Court on finding sufficient grounds to proceed against the accused persons for the commission of offences punishable under Section 447, 379 read with section 34 of IPC and Section 32 and 33 of I.F. Act, summoned them and when they put in appearance before the Court, copies of challan and other documents were supplied to them as per mandate of section 207 Cr.P.C.

7. On finding the prima facie case against the accused for commission of offences punishable under Section 447, 379 read with section 34 of IPC and Section 32 and 33 of I.F. Act, separate charges for the aforesaid offences were put to the accused persons, whereto, they did not plead guilty and claim trial.

8. In order to bring home the guilt of accused, the prosecution has examined 15 witnesses. Thereafter, the accused persons were examined under Section 313 Cr.P.C., wherein they denied entire prosecution case either for want of knowledge or being incorrect and stated that they are innocent and a false case has been registered against them. When they were asked to produce evidence in defence, they refused to lead any defence evidence.

9. On basis of challan, the following points arise for determination in the present case:-

1. Whether the prosecution has succeeded in proving beyond all reasonable doubts that or before 19.06.2022 at place Chowki Bhet Narwandi, Tehsil Chachiot, District Mandi, H.P., the accused persons in furtherance of common intention, criminally trespassed in

the property of Government i.e. D.P.F. Chowki Bhet Narwandi and have encroached Government land for the construction of a road over the same and thereby committed an offence punishable under Section 447 read with Section 34 of Indian Penal Code, as alleged?

2. Whether the prosecution has succeeded in proving beyond all reasonable doubts that on the aforesaid date and place, you accused illegally fell eight Pine trees (reserved trees) of different sizes from the abovesaid land i.e. D.P.F Chowki Bhet Narwandi and thereby acted in contravention of Section 32 of the Indian Forest Act and thereby committed an offence punishable under Section 33 of Indian Forest Act, as alleged?
3. Whether the prosecution has succeeded in proving beyond all reasonable doubts that on the aforesaid date and place, you accused along with your co-accused person in furtherance of common intention, cut trees with intention to take dishonestly eight Pine trees out of the possession of the Forest Department and thereby committed an offence punishable under Section 379 read with Section 34 of Indian Penal Code, as alleged?

**4. Final order.**

10. I have heard learned APP for the State as well as Ld. Counsel for the accused persons and with their help, have perused the entire case file with care. For the reasons to be recorded hereinafter, in writing, my point wise findings are as follows:-

**Point No. 1: No.**

**Point No. 2:** No.

**Point No. 3:** No.

**Final Order:** As per operative portion of this judgment, the accused persons are **acquitted** for commission of offences punishable under Section 32 and 33 of Indian Forest Act and Section 447, 379 read with section 34 of Indian Penal Code.

### **REASONS FOR FINDINGS**

#### **POINT NO. 1 to 3:**

11. It is well established principle of law that it is the prosecution which has to establish the guilt of the accused beyond all reasonable doubts. The law always starts with the presumption of innocence of the accused. It is a cardinal principal of criminal jurisprudence that the prosecution has to prove its case beyond all reasonable doubts by leading reliable, cogent and convincing evidence. Further, it is settled proposition of criminal law that in order to successfully bring home the guilt of the accused, the prosecution has to stand on its own legs and cannot derive any benefit whatsoever from the weaknesses, if any, defence of the accused. In order to prove its case, the prosecution has examined as many as 15 witnesses.

12. PW-1 Ludermani stepped into the witness box and deposed that he is an agriculturist by profession. He stated that on 20.06.2022, he joined the police investigation after coming to know that pine (Chir) trees had been felled in the Narwandi Chowki Bhet Forest. Thereafter, he reached the

spot where the police as well as officials of the Forest Department were already present. He deposed that the police inspected the spot in his presence and prepared the spot map, marked as Mark-1A. He further stated that the house of accused Prem Singh is situated near the place where the trees had been felled. He also deposed that the police took photographs of the spot, marked as Mark-1B to Mark-1J. He further stated that a few days later, officials of the Revenue Department conducted the demarcation of the spot, during which the Block Officer (Forest), the Beat Guard, local resident Tej Singh, and he himself were present. According to him, the revenue officials recorded his statement as well as the statements of other persons, which is marked as Mark-1K. The witness denied the suggestion that he knew who had felled the trees. Consequently, on the request of the learned Assistant Public Prosecutor, the court permitted the prosecution to put leading questions to the witness by way of questions in the nature of cross-examination. Despite an extensive cross-examination by the learned Assistant Public Prosecutor, the witness did not support the prosecution case.

13. In his cross-examination, he deposed that the photographs, Mark-1B to Mark-1J, were taken by the Forest Guard using his mobile phone and that the site plan, Mark-1A, was prepared by the police in his presence. He further stated that the unpaved road shown at Point 'B' in the site plan had been constructed about 7–8 years prior to the incident. He deposed that the house of accused Lal Man is situated at a distance of about 4–5 kilometres from the spot. He further

stated that he did not know how the demarcation proceedings were carried out. He also admitted that his statement to the effect that the accused persons had felled the trees was based on hearsay, and that he did not know from which Khasra number the trees had been cut. Thus, the testimony of this witness does not incriminate the accused persons, as he failed to support the prosecution case on the material particulars.

14. PW-2 Inder Singh deposed that in the year 2022, he was posted as a Forest Beat Guard for the Dali-Kur and Chhaprahan Beats and was also entrusted with the additional charge of the Chhaprahan Beat. Thereafter, he substantially reiterated the prosecution case as set out in the complaint and the charge-sheet.

15. In his cross-examination, he deposed that he received information regarding the alleged incident on 19.06.2022, between 8:00 p.m. and 8:30 p.m., from Tej Singh. He admitted that the wife of Tej Singh was the Ward Panch at the relevant time and continues to hold the said office. He further deposed that at about 9:30 p.m., he, along with three other persons and the chowkidars, proceeded to the spot. At that time, 10 to 15 persons were already present there, including Tej Singh, Krishan Kumar, and Dhameshwari Devi. He categorically admitted that he had not seen any person felling the trees, nor had he witnessed any tree being cut in his presence. He voluntarily stated that he came to know about the alleged incident from Dhameshwari Devi and Tej Singh. He further deposed that they stayed overnight at the

house of Dhameshwari Devi, and that the Block Officer reached the spot the following morning at about 9:00 a.m. to 9:30 a.m. The witness further admitted that Ext. P1/PW2 bears certain signatures and names, and that a few lines in the said document were added subsequently. He also admitted that no road passes near the spot, although there is a footpath leading from the spot to the village. He further admitted that during the previous rainy season, the house of the Pradhan of Kashan Panchayat had been damaged due to heavy rainfall, resulting in the loss of human lives. He further deposed that Ext. P2/PW2 was written by him at the Police Station in the presence of the Block Officer, and that no other person was present at that time. He admitted that the photographs placed on record do not depict any person for the purpose of identification. He also admitted that the house of Krishan Kumar is situated near the spot. The witness, however, denied all the other suggestions put to him during his cross-examination.

16. PW-3 Manoj Kumar stepped into the witness box and deposed that in the year 2022, he was posted as the Forest Block Officer, Chaprahan. He stated that on 20.06.2022, the Forest Guard of Beat Chaprahan informed him that Chir (pine) trees had been felled in the Chowki Bhet, Narwandi Forest. Upon receiving the information, he, along with Forest Guard Inder Singh, visited the spot, where they found eight felled Chir trees. He further deposed that, upon making inquiries from the local villagers, it came to their notice that the accused Lal Man and Nand Lal had felled the trees.

He stated that local residents, namely Dhameshwari Devi, Tej Singh, Meera Devi, Krishna Devi, and others, submitted a joint statement, Ext. P1/PW2, wherein it was alleged that accused Lal Man had felled the trees at the instance of accused Prem Singh. Thereafter, Forest Guard Inder Singh prepared a complaint, Ext. P2/PW2, and submitted the same to the SHO, Police Station Gohar. He further deposed that the police visited the spot, carried out the necessary proceedings, measured the felled trees, and entrusted the seized logs to Forest Guard Inder Singh on *supurdari* vide Supurdarinama Ext. P3/PW2. He also stated that the trees had been cut into logs for the purpose of transportation.

17. In his cross-examination, the witness deposed that he had visited the spot on 20.06.2022 at about 11:00 a.m. to 11:30 a.m., accompanied by Forest Guard Inder Singh. He stated that when they reached the spot, 3–4 persons were present there, but he did not know their names except Tej Singh, whom he personally knew. He further deposed that none of the local residents present at the spot handed over any document to him. He also stated that he had gone to the Police Station along with Forest Guard Inder Singh. He further deposed that the police reached the spot in the evening between 5:00 p.m. and 6:00 p.m., and that only two police officials had come there. He categorically stated that no local resident had given him any written statement. He admitted that he had not seen any person cutting the trees and further admitted that no local resident had told him that the accused persons had felled the said trees. He also deposed that he did

not remember the places where he had signed Ext. P2/PW2 and Ext. P3/PW2. The witness further admitted that it had come to his notice during the inquiry that Tej Singh was inimically disposed towards the accused persons. He also admitted that during the rainy and winter seasons, forest trees often fall naturally and are subsequently used by the local villagers. He, however, denied all the remaining suggestions put to him during his cross-examination.

18. The cross-examination of this witness materially weakens the prosecution case, as despite reiterating the prosecution version in his examination-in-chief, he admitted that he had not witnessed the occurrence, that no local resident had informed him that the accused persons had cut the trees, and that Tej Singh, from whom the allegations are stated to have originated, was admittedly on inimical terms with the accused. These admissions are relevant while appreciating the evidentiary value of his testimony.

19. PW-4 Dhameshwari Devi stepped into the witness box and deposed that she is presently serving as the Secretary of Mahila Mandal, Kashan. She stated that on 19.06.2022, while she was passing through the forest of Chowki Bhet, Narwandi in connection with her personal work, she heard the sound of wood being cut with a power chain saw. On hearing the sound, she proceeded towards the forest and noticed two boys cutting Chir (pine) trees with a power chain saw. She further deposed that she called out to them, whereupon both the boys hid themselves, and she returned to her home. However, she categorically stated that she could

not identify the persons who were cutting the trees. In view of her resiling from her previous statement, on the request of the learned Assistant Public Prosecutor, the court permitted the prosecution to put leading questions to the witness by way of questions in the nature of cross-examination. Despite an extensive cross-examination by the learned Assistant Public Prosecutor, she did not support the prosecution case on the material particulars.

20. In her cross-examination by the learned defence counsel, she admitted that she could not identify the persons cutting the trees because she was standing at a considerable distance from the spot. She further deposed that she was returning to her home from another village during the evening. She admitted that Chowki Bhet, Narwandi is a very dense forest. She further stated that at about 9:30 p.m. to 10:00 p.m., several villagers, including Krishan Kumar, Tej Singh, and others, called her outside her house, where about 25–30 persons had gathered. She deposed that she did not know who had informed those persons about the incident. The witness further deposed that the Forest Guard and other forest officials reached the spot after she had arrived there, remained for some time, and thereafter stayed at her house during the night. She stated that she did not know when the Block Officer and the police officials reached the spot on the following morning, as she was engaged in her household chores. She further deposed that she was not aware of the proceedings conducted at the spot and did not remember when and at what time Ext. P1/PW2 was obtained from her.

She voluntarily stated that although she had written Ext. P1/PW2, she had done so at the instance of other villagers. According to her, Krishan Kumar dictated the contents of the statement, and she merely reduced the same into writing. She further deposed that she did not know whose signatures, apart from her own, appeared on Ext. P1/PW2. She categorically stated that Ext. P1/PW2 was not written by her voluntarily, but that she wrote whatever was dictated to her by other villagers, regarding matters of which she had no personal knowledge. She further stated that she did not know whether accused Lal Man and Prem Singh were present at the spot or not. The witness further deposed that she knew the accused persons as they belonged to her village. She admitted that Tej Singh and some other influential persons of the village were not on cordial terms with the accused persons. She further admitted that the village pathway passes through the forest and that during the monsoon season and snowfall in winter, Chir (pine) trees often fall naturally. She also admitted that many trees in the said forest had fallen in this manner. Lastly, she admitted that no road has been constructed in the said forest till date.

21. The testimony of this witness substantially demolishes the prosecution case. Although she claimed to have seen two persons cutting trees, she was unable to identify them. More importantly, she categorically stated that Ext. P1/PW2, which forms the foundation of the prosecution case, was not written by her voluntarily but was dictated by Krishan Kumar and other villagers, and that she had no

personal knowledge of the facts stated therein. She further admitted the existence of prior hostility between Tej Singh and the accused persons and also admitted that no road had been constructed in the forest till the date of her deposition. These admissions materially affect the credibility and evidentiary value of both her testimony and the joint complaint relied upon by the prosecution.

22. PW-5 Krishan Dass stepped into the witness box and deposed that he is an agriculturist by profession and is presently serving as the Pradhan of the Forest Rights Committee, Muhal Kashan. He stated that on 19.06.2022, at about 6:00 p.m., he was present at his house when he heard the sound of a power saw coming from the direction of Forest Post Chowki Bhet/Narwandi. He also noticed trees falling in the forest in that direction. Thereupon, he telephonically contacted Tej Singh, son of Hukumia, and requested him to ascertain who was cutting the trees. Thereafter, he informed the DFO, Nachan, over the telephone regarding the felling of trees. He further deposed that at about 6:30 p.m., he reached the spot where he met Dhameshwari Devi and Tej Singh, who informed him that the trees had been cut by accused Lal Man. He stated that Dhameshwari Devi specifically told him that she had personally seen Lal Man cutting the trees. He further deposed that on reaching the spot, he found eight Chir (pine) trees lying felled. Officials of the Forest Department had also reached the spot. Subsequently, the police arrived, conducted the investigation, and took the cut trees into possession. He stated that a seizure memo, Ext. P3/PW2, was prepared,

which bears his signatures as a witness. The witness further deposed that Dhameshwari Devi had disclosed only the name of Lal Man in connection with the felling of the trees and had not named any other person. Since the witness did not support the prosecution case in its entirety, Consequently, on the request of the learned Assistant Public Prosecutor, the court permitted the prosecution to put leading questions to the witness by way of questions in the nature of cross-examination. . However, even during his cross-examination by the learned Assistant Public Prosecutor, he did not depose anything favourable to the prosecution.

23. In his cross-examination by the learned defence counsel, the witness deposed that he had been serving as the Head of the Forest Rights Committee since the year 2014–2015. He stated that his house is situated at a distance of about 200 metres from Chowki Bhet-Narwandi, alongside the road. He further deposed that there are 5–7 villages near Chowki Bhet-Narwandi, comprising approximately 150–200 families. He categorically admitted that he had not personally seen anyone cutting the trees and had only heard the sound of the power saw. He stated that he reached the spot about half an hour after hearing the sound. Before proceeding to the spot, he informed Tej Singh, and thereafter also informed the DFO, Nachan. He further deposed that by the time he reached the spot, about 25 persons had already gathered there. The witness admitted that there existed enmity between accused Prem Singh and Tej Singh. He also admitted that Tej Singh's wife was serving as a Ward Panch of the Panchayat.

He further deposed that Prem Singh, along with other villagers, had constructed the road from Bani Chowki to Galu, which still exists, and that the Public Works Department and the Panchayat carry out its maintenance from time to time. He further deposed that although he was the Head of the Forest Rights Committee, he had not submitted any written complaint to the DFO regarding the incident. He stated that Ext. P1/PW2 was not written by him and that he did not know who had written it. According to him, when Ext. P1/PW2 was written, officials of the Forest Department were also present. He further stated that the forest officials reached the spot at about 9:30 p.m., and that three officials of the Forest Department were present there. He further deposed that the seizure memo, Ext. P3/PW2, was prepared on the following day. He stated that he did not remember how many persons had signed the memo. He only remembered that he had signed it first, but could not recall who had signed thereafter. He admitted that there had been snowfall prior to the incident, due to which many trees had broken naturally. He further admitted that in the photographs placed on record, no person other than the Forest Guard is visible. He also admitted that the villagers customarily use the forest produce of the said forest. The witness denied all the remaining suggestions put to him.

24. The testimony of this witness is largely hearsay in nature. His allegation against accused Lal Man is based solely upon what was allegedly told to him by Dhameshwari Devi, who herself did not identify the persons cutting the trees

during her deposition before the Court. Furthermore, his admissions that he had not witnessed the occurrence, that there existed prior enmity between Tej Singh and the accused, that no written complaint was submitted by him despite being the Head of the Forest Rights Committee, and that several trees had naturally fallen due to snowfall, materially dilute the evidentiary value of his testimony.

25. PW-6 Tej Singh stepped into the witness box and deposed that he is an agriculturist by profession. He stated that on 19.06.2022, at about 6:30 p.m., while returning to his house, he heard the sound of trees being cut with a power chain saw from the direction of Chowki Bhet, Narwandi Forest. On hearing the sound, he proceeded towards the spot and allegedly saw accused Lal Man, son of Hukam Chand, and Prem Singh, son of Nand Lal, cutting trees with a power chain saw. He further deposed that when he shouted at them, both the accused fled from the spot carrying the power chain saw with them. The witness further stated that he informed Krishan Dass about the incident on the same day and told him that the accused persons had felled the trees standing on Government forest land, thereby causing loss to the Government. According to him, the accused had cut the trees with the intention of constructing a road leading to their village. He identified the photographs Mark-1B to Mark-1J as depicting the trees allegedly cut by the accused persons. He further deposed that on 04.01.2023, demarcation of the spot was carried out by Kanungo Nirmal Singh in his presence and in the presence of Forest Block Officer Manoj Kumar, Forest

Guard Inder Singh, Ludar Mani, and other persons. He stated that the Kanungo demarcated Khasra No. 43, which was forest land, and that the demarcation proceedings were accepted by him and the other persons present. He further deposed that the Kanungo recorded their joint statement, bearing his signatures at point 'B'. According to him, the felled trees were found within Khasra No. 43, which is Government forest land. He further stated that the police and officials of the Forest Department recovered the felled trees from the spot, converted them into logs, took them into possession, and transported them in vehicles. According to him, eight Chir (pine) trees had been cut by the accused persons.

26. In his cross-examination, the witness deposed that he is engaged in agriculture and that his wife is a Ward Member. He admitted that accused Prem Singh is his cousin. He also candidly admitted that there existed enmity between his family and the family of the accused. He further deposed that while returning home at about 6:30 p.m., he heard the sound of a power chain saw and from the place where he was standing, he saw two persons cutting trees. He stated that he was at a distance of about 60–70 metres from the spot and was alone at that time. According to him, he reached the spot within 3–4 minutes. From the spot, he made a telephone call at about 7:00 p.m. and did not make any other calls thereafter. He further deposed that the Block Officer (BO) and the DFO were informed by Krishan Dass. He stated that thereafter, he, Krishan Dass, and other villagers, numbering about 20–22 persons, gathered and reached the spot. However, by the

time they reached, no one was present there. He further deposed that the Forest Guard remained at the spot throughout the night, whereas the villagers returned to their respective homes at about 10:00 p.m. He further stated that Ludar Mani, Krishan Dass, and some other persons, whose names he could not recollect, remained there. The witness admitted that a road already exists from Bani Chowki to Galu, leading to the house of accused Prem Singh and other villagers, and that the said road is still in use. He also admitted that a footpath passes through the forest leading to the upper village. He further admitted that the local villagers use the forest produce for their domestic needs. Significantly, he admitted that no road has been constructed through the said forest till date. He further deposed that the police, along with officials of the Forest Department, reached the spot on the next day at about 10:00 a.m. to 10:30 a.m., whereas the revenue officials visited the spot 3–4 days later. He stated that his statement was recorded by the Forest Guard and the revenue officials and that he did not remember how many documents he had signed. He further deposed that the Forest Guard wrote the application in his presence, which he signed. According to him, Ext. P1/PW2 was written by the Forest Guard, and 18–19 persons signed the same. However, he admitted that all the persons whose names were mentioned in Ext. P1/PW2 had not actually signed the document. He denied all the remaining suggestions put to him by the defence.

27. The testimony of this witness constitutes the

principal ocular evidence relied upon by the prosecution. However, his evidence requires careful scrutiny in view of his admitted enmity with the family of the accused. Furthermore, his testimony is not free from material inconsistencies. While he alleged that the trees were felled to construct a road to the village, he simultaneously admitted that a motorable road from Bani Chowki to Galu already existed and was operational, and further admitted that no road had been constructed through the forest till the date of his deposition. His admission that Ext. P1/PW2 was written by the Forest Guard, contrary to the testimony of other prosecution witnesses, and that several persons whose names appeared therein had not signed the document, also casts doubt on the authenticity of the prosecution's foundational document. These aspects are relevant while assessing the reliability and credibility of his testimony.

28. PW-7 Rattan Lal stepped into the witness box and deposed that he had retired from the Forest Department and that, in the year 2022, he was posted as a Forest Official in Chhaprahan Beat. He stated that on 19.06.2022, in the evening, he received information that some persons were cutting trees in Chowki Bhet, Narwandi. Upon receiving the information, he, along with Forest Guard Inder Singh, proceeded to the spot, where they found eight Chir (pine) trees lying felled. He further deposed that upon making inquiries from the local villagers, it came to light that the said trees had been cut by accused Prem Singh and Lal Man. He also stated that he and Forest Guard Inder Singh secured the

felled trees at the spot. In his cross-examination, the witness deposed that he was informed about the incident by Forest Guard Inder Singh at about 9:00 p.m., and that he reached Narwandi at about 9:30 p.m. He further stated that the spot was situated at a distance of about 6–7 kilometres from his house. According to him, the Forest Guard had first come to his house, and thereafter both of them proceeded to the spot on foot. He further deposed that when they reached the spot, 15–20 persons were already present there, but he did not know their names. He admitted that he did not remember which of the villagers had informed him that the accused persons had felled the trees. He further deposed that they remained at the spot for two days. The witness also admitted that many trees in the said forest had broken due to heavy rains. He further admitted that the villagers present at the spot customarily used the forest produce from the said forest for their domestic purposes. He denied all the remaining suggestions put to him during his cross-examination.

29. The testimony of this witness is not based on his personal knowledge of the occurrence. He admittedly did not witness the alleged felling of the trees, and his assertion that the accused persons were responsible is founded entirely on information allegedly received from unnamed villagers, whose identities he could not even recall during his cross-examination. His admissions regarding the natural falling of trees due to heavy rains and the customary use of forest produce by local villagers are also relevant circumstances which have a bearing on the appreciation of the prosecution

case.

30. PW-8 Man Singh stepped into the witness box and deposed that since the year 2022, he has been working as a Senior Assistant in the office of the Sub-Divisional Magistrate, Gohar. He stated that on 17.01.2023, he joined the investigation in the present case as, on that day, the Reader to the SDM, Gohar, was on leave and he was holding the additional charge of the said post. He further deposed that the police submitted an application, marked as Mark-8A, in the office of the SDM seeking certified copies of the records pertaining to the demarcation conducted in FIR No. 55 of 2022, dated 20.06.2022. Upon verification of the official record, he supplied the relevant documents to the police, namely the application Ext. P4/PW8, *Zimni* Order Ext. P5/PW8, Demarcation Report Ext. P6/PW8, statement Ext. P7/PW8, site map Ext. P8/PW8, order Ext. P9/PW8, and Jamabandi Ext. P10/PW8. In his cross-examination, the witness admitted that he was not present at the spot during the demarcation proceedings and that he had merely verified, certified, and supplied the official records maintained in the office. He further deposed that he did not know the purpose for which the police had requisitioned the aforesaid documents and that he had no personal knowledge whatsoever regarding the incident in question.

31. The testimony of this witness is purely formal in nature. His evidence is confined to proving the production of official records from the office of the SDM and does not advance the prosecution case on the occurrence or the

involvement of the accused persons, as he admittedly had no personal knowledge of either the demarcation proceedings or the alleged incident.

32. PW-9 Chandermani stepped into the witness box and deposed that he has been serving as the Up-Pradhan of Gram Panchayat Bella since the year 2020. He stated that he had no knowledge whatsoever regarding the present case. As the witness did not support the prosecution case, Consequently, on the request of the learned Assistant Public Prosecutor, the court permitted the prosecution to put leading questions to the witness by way of questions in the nature of cross-examination. Despite being cross-examined at length by the learned Assistant Public Prosecutor, he did not depose anything in support of the prosecution. In his cross-examination by the learned defence counsel, the witness deposed that he had not signed the seizure memo, Mark-9A. He further stated that he did not know whether any other persons had signed the said memo at that time. He also deposed that he had merely been called by the police and that the alleged incident did not pertain to his Panchayat.

33. The testimony of this witness does not advance the prosecution case in any manner. He denied knowledge of the occurrence, did not support the prosecution on any material aspect, and even denied his signatures on the alleged seizure memo. His evidence is, therefore, of no assistance to the prosecution in establishing the charges against the accused.

34. PW-10 Dinesh Kumar is a formal witness. He

deposed that he produced before the police a certified copy of the notification, which has been exhibited as Ext. P11/PW10. His testimony is purely formal in nature and is confined to proving the production of the aforesaid notification.

35. PW-11 Gagan Kumar stepped into the witness box and deposed that in the year 2023, he was posted as a Forest Guard in Saroa Forest Beat. He stated that on 04.01.2023, since the Forest Guard of Chhaprahan Beat was on leave, he was also holding the additional charge of the said beat. He further deposed that on the said date, he remained present during the demarcation of Khasra No. 43, situated in Chowki Bhet Forest, along with Kanungo Nirmal Singh, Forest Block Officer Manoj Kumar, local resident Tej Singh, Ward Member Krishna Devi, and Ludar Mani. He deposed that the demarcation was carried out by Kanungo Nirmal Singh and that during the course of demarcation, all the felled trees were found to be situated within Khasra No. 43. He further stated that the Kanungo recorded a joint statement of himself, the Forest Block Officer, the local residents, and the Ward Member regarding the demarcation proceedings. In his cross-examination, the witness categorically admitted that the trees were not cut in his presence and that he had no personal knowledge as to who had felled the trees. He further deposed that he did not know which permanent reference points had been taken by the police or the Kanungo while conducting the demarcation. He also admitted that the police did not record his statement at the spot in the presence of the Kanungo. The witness further stated that he did not know when the trees had

actually been felled.

36. The testimony of this witness is relevant only to the extent of the demarcation proceedings and the location of the felled trees. His evidence does not establish the identity of the offenders, as he admittedly had no personal knowledge regarding the occurrence or the persons who had allegedly cut the trees. Consequently, his testimony cannot be relied upon to connect the accused persons with the commission of the alleged offences.

37. PW-12 Krishana Devi stepped into the witness box and deposed that she has been serving as a Ward Member of Gram Panchayat Kashan since the year 2020. She stated that on 04.01.2023, in her presence, Kanungo Nirmal Singh, Sianj, conducted the demarcation of forest land comprised in Khasra No. 43, situated in Chowki Bhet, Narwandi, Muhal Kashan, in the presence of Forest Block Officer Manoj Kumar, Forest Guard Gagan Kumar, Tej Singh, and Ludar Mani. She further deposed that during the demarcation, eight felled trees were found to be situated within Khasra No. 43. She also stated that the Kanungo recorded a joint statement of herself and the other persons present, marked as Mark-1K, which bears her signatures at point 'D'. In her cross-examination, the witness deposed that she remained present throughout the demarcation proceedings conducted by Kanungo Nirmal Singh. She further stated that, besides herself, Tej Singh, Ludar Mani, Krishan Dass, and Dhameshwari Devi were also called for the demarcation proceedings and that all of them were summoned by the Kanungo in her presence. According

to her, no other person was present during the demarcation proceedings. She further deposed that the Kanungo took the necessary reference points in her presence and that the Kanungo and the Patwari remained at the spot for approximately 4–5 hours while carrying out the demarcation. The witness further stated that she did not know which Khasra numbers were adjacent to Khasra No. 43. She categorically admitted that the trees were not cut in her presence. She also admitted that there existed enmity between her family and the family of the accused persons. She denied the remaining suggestions put to her during her cross-examination.

38. The testimony of this witness is confined to the demarcation proceedings and the location of the felled trees. She admittedly had no personal knowledge of the actual occurrence, as she did not witness the alleged felling of the trees. Moreover, her admission regarding prior enmity between her family and the accused persons is a material circumstance which requires her evidence to be appreciated with due caution. Consequently, while her testimony may lend support to the demarcation proceedings, it does not establish the involvement of the accused persons in the alleged commission of the offence.

39. PW-13 Nirmal Kumar stepped into the witness box and deposed that he remained posted as Kanungo at Syanj during the period 2021 to 2023. He stated that on 04.01.2023, in compliance with the order of the Tehsildar, Chachiot, bearing Order No. 3481 dated 08.09.2022, he, along with Forest Block Officer Manoj Kumar, Forest Guard Gagan

Kumar, local residents Tej Singh and Ludar Mani, and Ward Member Krishana Devi, visited Chowki Bhet, Narwandi Forest Area, Muhal Kashan, Khasra No. 43, for the purpose of demarcation. He deposed that he conducted the demarcation in accordance with the prescribed procedure and in the presence of police officials. According to him, the demarcation was carried out on the basis of the available reference points, and the location of the felled trees was identified. Upon completion of the demarcation, it was found that the felled trees were situated on Government forest land comprised in Khasra No. 43. He further deposed that he prepared the demarcation report, the certified copy whereof has been exhibited as Ext. P6/PW8. He further stated that Head Constable Dharam Singh, Lady Constable Promila, and HHG Tikam Singh were also present at the spot and that he recorded their joint statement, exhibited as Ext. P7/PW8. He also recorded the joint statement of Krishana Devi, Gagan Kumar, Manoj Kumar, Ludar Mani, and Tej Singh, exhibited as Ext. P12/PW13. He further deposed that the Tatima (site map) was prepared by Patwari Murari Lal, a copy of which is Ext. P8/PW8. In his cross-examination, the witness denied the suggestion that he had not conducted the demarcation in accordance with the provisions of the Himachal Pradesh Land Revenue Act, the applicable Rules, and the instructions issued by the Financial Commissioner (Revenue). However, he admitted that he had not recorded statements at the spot regarding the reference points and tape adjustments used during the demarcation proceedings. He further admitted that

instead of taking three permanent reference points, only two permanent reference points had been taken while conducting the demarcation. He denied all the remaining suggestions put to him.

40. The testimony of this witness establishes only that, according to the demarcation proceedings, the felled trees were situated within Khasra No. 43. However, his admissions regarding non-recording of statements relating to reference points and tape adjustments, coupled with the fact that only two permanent reference points were taken instead of three, are material irregularities which have a bearing on the evidentiary value of the demarcation proceedings. In any event, the testimony of this witness does not establish the identity of the persons who allegedly felled the trees.

41. PW-14 HHC Suresh Kumar deposed that in the year 2022, he was posted as the Malkhana Moharrir (MHC) at Police Station Gohar. He stated that on 22.06.2022, HC Dharam Singh deposited a chain saw (Ext. M.O.25) with him, which he entered in the Malkhana Register at Serial No. 403. In his cross-examination, the witness admitted that he did not know from whom the chain saw had been recovered or the place from where it had been brought.

42. The testimony of this witness is purely formal in nature, being confined to proving the deposit of the case property in the Malkhana. He had no personal knowledge regarding the recovery or seizure of the chain saw.

43. PW-15 HC Dharam Singh, the Investigating Officer of the present case, stepped into the witness box and

deposed regarding the investigation conducted by him. He proved the various steps undertaken during the course of investigation, including the registration of the FIR, preparation of the spot map, seizure of the case property, recovery of the chain saw, obtaining of the demarcation report and other official documents, recording of statements under Section 161 Cr.P.C., and the filing of the final report before the Court. In his cross-examination, the witness admitted that the present complaint had been submitted by Forest Guard Inder Singh on the basis of information supplied by certain villagers. He further deposed that he visited the spot on 20.06.2022, but could not remember the exact time when he was deputed for the investigation or the time when he reached the spot. He stated that he remained at the spot for approximately 4 to 5 hours along with HHC Dhani Ram. The witness further admitted that chain saws similar to Ext. M.O.25 are commonly available in the market. He denied all the remaining suggestions put to him during his cross-examination.

44. The testimony of the Investigating Officer primarily proves the investigative steps taken during the course of the investigation. However, his admission that the complaint was based upon information furnished by villagers, coupled with the fact that he had no direct knowledge of the occurrence, makes his evidence largely corroborative in nature. Moreover, the admission that the alleged weapon of offence, namely the chain saw, is a commonly available article, by itself does not establish any exclusive nexus between the seized chain saw and the commission of the alleged offences unless supported

by independent and cogent evidence.

45. This is the entire evidence led by the prosecution.

46. In the present case, the prosecution has alleged that the accused persons committed offences punishable under Section 447 of the IPC and Sections 32 and 33 of the Indian Forest Act by criminally trespassing upon forest land comprised in D.P.F. Chowki bhet Narwadi and have encroached the government Land by illegally felling the eight pine trees, thereby leveling the land for the purpose of constructing a road.

47. At the outset, it is necessary to examine whether the prosecution has been able to establish, beyond reasonable doubt, that:

- (i) the land in question is forest land;
- (ii) excavation/encroachment was in fact carried out; and
- (iii) such acts amounting to criminal trespass were committed by the accused persons.

48. To bring home an offence under Section 447 IPC, the prosecution is required to prove that the accused entered into or upon the property in possession of another with intent to commit an offence or to intimidate, insult, or annoy the person in possession of such property.

49. A careful appreciation of the evidence on record reveals that the prosecution case suffers from material contradictions and lacks cogent and reliable evidence connecting the accused persons with the alleged acts. The

burden squarely lies upon the prosecution to establish the guilt of the accused beyond all reasonable doubt. The prosecution is required to prove not only that the trees were felled from Government forest land but also that it was the accused persons who committed the alleged acts of criminal trespass, theft and illegal felling of trees. Mere proof that the trees were found cut on Government land is insufficient unless the identity and involvement of the accused are established through cogent, reliable and trustworthy evidence.

50. In the present case, although the prosecution has examined as many as fifteen witnesses, a careful scrutiny of their testimonies reveals that the prosecution has failed to establish the involvement of the accused beyond reasonable doubt. At the outset, PW-1 Ludermani, an independent witness, did not support the prosecution case and was declared hostile. He specifically deposed that he did not know who had felled the trees and admitted that his statement implicating the accused was based merely on hearsay. He further admitted that he did not know from which Khasra number the trees had been cut. Thus, his testimony does not advance the prosecution case.

51. Similarly, PW-2 Inder Singh, the complainant and Forest Guard, admittedly did not witness the occurrence. He categorically admitted that he had not seen anybody cutting the trees and that the allegations against the accused were based solely upon information allegedly supplied by Dhameshwari Devi and Tej Singh. Thus, his evidence is entirely hearsay so far as the identity of the offenders is

concerned. The testimony of PW-3 Manoj Kumar, the Forest Block Officer, also does not improve the prosecution case. Although in his examination-in-chief he stated that villagers disclosed the names of the accused, during cross-examination he admitted that he had not seen anyone cutting the trees and, more importantly, that no villager had told him that the accused persons had cut the trees. This admission strikes at the very foundation of his examination-in-chief and materially affects his credibility.

52. The prosecution further relied upon PW-4 Dhameshwari Devi, who was projected as an eye-witness in the complaint. However, she categorically deposed before the Court that she could not identify the persons cutting the trees as she was standing at a considerable distance. She was declared hostile and did not support the prosecution despite lengthy cross-examination. Significantly, she admitted that the joint complaint Ext. P1/PW2, which forms the basis of the prosecution case, was not written voluntarily by her but was dictated by Krishan Dass and other villagers, and that she merely wrote whatever was dictated to her without having any personal knowledge of those facts. She further admitted that Tej Singh and certain influential villagers were not on cordial terms with the accused persons. These admissions substantially erode the evidentiary value of the complaint itself.

53. Likewise, PW-5 Krishan Dass did not witness the occurrence. His testimony regarding the involvement of accused Lal Man is based entirely upon what Dhameshwari

Devi allegedly told him. However, Dhameshwari Devi herself did not identify the accused before this Court. Therefore, the evidence of PW-5 is nothing but hearsay and is inadmissible for proving the identity of the offenders. He also admitted the existence of enmity between Tej Singh and the accused persons.

54. The prosecution principally relies upon the testimony of PW-6 Tej Singh, who claimed to have seen the accused cutting the trees. However, his testimony cannot be accepted as wholly reliable. Firstly, he admitted that accused Prem Singh is his cousin and that there exists admitted enmity between their families. Secondly, his testimony suffers from material inconsistencies with the evidence of other prosecution witnesses. While he alleged that the accused cut the trees for constructing a road, he himself admitted during cross-examination that a motorable road from Bani Chowki to Galu leading to the house of the accused already existed and was operational and further admitted that no road had been constructed through the forest till the date of his deposition. This admission completely demolishes the motive attributed by the prosecution. His testimony also stands contradicted by PW-4 Dhameshwari Devi, who did not identify the accused at all, and by PW-3 Manoj Kumar, who admitted that no villager had named the accused before him. Furthermore, Tej Singh admitted that Ext. P1/PW2 was written by the Forest Guard and that many persons whose names appeared therein had not actually signed it, whereas PW-4 stated that she wrote the document at the dictation of Krishan Kumar. These material

contradictions cast serious doubt upon the authenticity of the foundational document itself.

55. The evidence of PW-7 Rattan Lal is also of no assistance to the prosecution, as he admittedly did not witness the occurrence and merely repeated what unnamed villagers allegedly told him. During cross-examination, he could not even disclose which villager had named the accused persons. His testimony is, therefore, purely hearsay. The evidence of PW-8 Man Singh, PW-10 Dinesh Kumar, and PW-14 HHC Suresh Kumar is purely formal in nature and does not connect the accused with the alleged offences.

56. The testimonies of PW-11 Gagan Kumar, PW-12 Krishana Devi, and PW-13 Nirmal Kumar (Kanungo) merely establish that during the demarcation proceedings, the felled trees were found within Khasra No. 43, which is Government forest land. However, none of these witnesses witnessed the occurrence or identified the offenders. Their evidence is confined to proving the location of the felled trees. Moreover, PW-13 admitted that only two permanent reference points were taken instead of three during the demarcation and that statements regarding reference points and tape adjustments were not recorded, thereby affecting the reliability of the demarcation proceedings. The Investigating Officer, PW-15 HC Dharam Singh, also admitted that the complaint was lodged by Forest Guard Inder Singh on the basis of information supplied by villagers and not on the basis of his own personal knowledge. His testimony is confined to the investigation and cannot substitute proof of the occurrence

itself.

57. Another important circumstance is that several prosecution witnesses, including PW-3 Manoj Kumar, PW-4 Dhameshwari Devi, PW-5 Krishan Dass, PW-6 Tej Singh, and PW-7 Rattan Lal, admitted that trees frequently fall naturally during heavy rains, snowfall, and adverse weather conditions in the area. They also admitted that villagers ordinarily use forest produce for domestic purposes. Although these facts by themselves do not exonerate the accused, they constitute relevant surrounding circumstances which further require the prosecution evidence to be scrutinized with greater caution.

58. Most importantly, except for the testimony of PW-6 Tej Singh, no prosecution witness has identified the accused as the persons who felled the trees. The evidence of every other witness is either hearsay or expressly disowns any personal knowledge of the occurrence. The solitary testimony of PW-6 is not of such sterling quality as to inspire implicit confidence, particularly in view of his admitted enmity with the accused, the material contradictions inter se the prosecution witnesses, and the absence of any independent corroboration.

59. It is a settled principle of criminal jurisprudence that where the testimony of the solitary witness suffers from material infirmities, admitted animosity, and lacks independent corroboration, it would be unsafe to record a conviction solely on such evidence. Suspicion, however strong, cannot take the place of legal proof.

60. Accordingly, this Court is of the considered opinion that the prosecution has succeeded in proving that certain Chir (pine) trees were found felled on Government forest land. However, it has miserably failed to establish beyond reasonable doubt that it was the present accused persons who had felled those trees or committed criminal trespass or theft. The evidence on record creates no more than a suspicion against the accused, which falls far short of the standard of proof required in a criminal trial. Consequently, the accused are entitled to the benefit of doubt.

61. At this juncture, this Court is of the view that the civil cases are decided upon preponderances of probabilities but the criminal case are decided only on absolute proof i.e. prosecution/complainant must prove its case beyond reasonable doubt. It is basic principle of criminal jurisprudence that prosecution has to prove its case beyond shadow of reasonable doubts and if any doubt creeps in the story of the prosecution then benefit of doubt must be given to the accused. Hence, point No. 1 to point no. 3 are decided in negative.

#### **FINAL ORDER**

62. As a sequel to the aforesaid discussion and findings of this Court on Point No. 1 to Point No. 3, the prosecution has failed to prove its case and the benefit of doubt is given to the accused persons. Hence, accused persons are acquitted for the commission of the offences punishable under Sections 447, 379 of Indian Penal Code and Section 32 and 33 of Indian Forest Act read with section

34 of IPC. Bail bonds and surety bonds of accused persons are cancelled and discharged forthwith. Accused persons have already furnished personal and surety bonds in the sum of ₹ 30,000/- in compliance of Section 481 BNSS undertaking therein that they shall put in appearance before Ld. Appellate Court as and when required to do so. The bonds shall remain in force for six months. The case property is ordered to be returned to its rightful owner after the expiry of the period of appeal and in the case of any appeal, the same be dealt with the orders of Hon'ble Appellate Court. The file after due completion be consigned to the record room.

Announced and signed in the open Court today i.e.  
on 20<sup>th</sup> day of July, 2026.

(Priya Dogra)  
Judicial Magistrate First Class,  
Chachiot at Gohar, District Mandi H.P.

**FORM 'C'**  
**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

**A. Prosecution:**

| Rank  | Name             | NATURE OF EVIDENCE<br>(Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness) |
|-------|------------------|--------------------------------------------------------------------------------------------------------------------|
| PW-1  | Ludermani        | Witness of demarcation.                                                                                            |
| PW-2  | Inder Singh      | Informant.                                                                                                         |
| PW-3  | Manoj Kumar      | Record witness.                                                                                                    |
| PW-4  | Dhameshwari Devi | Spot witness.                                                                                                      |
| PW-5  | Krishan Dass     | Seizure witness.                                                                                                   |
| PW-6  | Tej Singh        | Spot and demarcation witness.                                                                                      |
| PW-7  | Rattan Lal       | Formal witness.                                                                                                    |
| PW-8  | Maan Singh       | Record witness.                                                                                                    |
| PW-9  | Chandermani      | Seizure witness.                                                                                                   |
| PW-10 | Dinesh Kumar     | Record witness.                                                                                                    |
| PW-11 | Gagan Kumar      | Witness of demarcation.                                                                                            |
| PW-12 | Krishna Devi     | Record witness.                                                                                                    |
| PW-13 | Nirmal Kumar     | Witness of demarcation.                                                                                            |
| PW-14 | HHC Suresh Kumar | Police witness.                                                                                                    |
| PW-15 | HC Dharam Singh  | Investigating officer.                                                                                             |

**B. Defence witnesses, if any:**

| Rank | Name | NATURE OF EVIDENCE<br>(Eye witness, Police witness, Expert witness, Medical witness, Panch witness, Other witness) |
|------|------|--------------------------------------------------------------------------------------------------------------------|
| -    | -    | -                                                                                                                  |

**C. Court witnesses, if any:**

| Rank | Name | NATURE OF EVIDENCE<br>(Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness) |
|------|------|--------------------------------------------------------------------------------------------------------------------|
|------|------|--------------------------------------------------------------------------------------------------------------------|

|   |   |   |
|---|---|---|
| - | - | - |
|---|---|---|

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution:**

| Sr. No. | Exhibit Number                 | Description                          |
|---------|--------------------------------|--------------------------------------|
| 1       | Ext. P1/PW2                    | Joint statement.                     |
| 2       | Ext. P2/PW2                    | Complaint letter.                    |
| 3       | Ext. P3/PW2                    | Seizure memo.                        |
| 4       | Ext. P4/PW8                    | Application.                         |
| 5       | Ext. P5/PW8 and P6/PW8         | Demarcation report.                  |
| 6       | Ext. P7/PW8 and P12/PW13       | Statements.                          |
| 7       | Ext. P8/PW8                    | Spot map.                            |
| 8       | Ext. P9/PW8                    | Order.                               |
| 9       | Ext. P10/PW8                   | Jamabandi.                           |
| 10      | Ext. P11/PW8                   | Musabi.                              |
| 11      | Ext. P11/PW10                  | Notification.                        |
| 12      | Ext. P12/PW14                  | Abstract of Malkhana register.       |
| 8       | Ext. P13/PW15                  | FIR.                                 |
| 14      | Ext. P14/PW15                  | Spot map.                            |
| 15      | Ext. P15/PW15                  | Seizure memo.                        |
| 16      | Ext. P16/PW15                  | Application.                         |
| 17      | Ext. P17/PW15                  | Report.                              |
| 18      | Ext. P18/PW15                  | Certificate u/s 65 of I.E. Act.      |
| 19      | Ext. P19/PW15                  | Application.                         |
| 20      | Ext. P20/PW15                  | Application.                         |
| 21      | Ext. P21/PW15 to Ext. P38/PW15 | Statement of witnesses u/s 161 CrPC. |
| 22      | Ext. P39/PW15                  | Rapat.                               |

|    |                      |                    |
|----|----------------------|--------------------|
| 23 | Ext. P40/PW15        | CCTNS certificate. |
| 24 | Ex. P41/PW15         | Endorsement.       |
| 25 | Ext. M.O.1 to M.O.24 | Logs of pine wood. |
| 26 | Ext. M.O.25          | Chain saw.         |
| 27 | Ext. P1 to P10       | Photographs.       |

**B. Defence:**

| Sr. No. | Exhibit Number | Description |
|---------|----------------|-------------|
| -       | -              | -           |

**C. Court Exhibits:**

| Sr. No. | Exhibit Number | Description |
|---------|----------------|-------------|
| -       | -              | -           |

**D. Material Objects:**

| Sr. No. | Material Object Number | Description |
|---------|------------------------|-------------|
| -       | -                      | -           |

(Priya Dogra)  
Judicial Magistrate First Class,  
Chachiot at Gohar, District Mandi H.P.

.....

| Sr. No. | Particulars of accused taken under Section 481 BNSS                                             | Particulars of surety taken under Section 481 BNSS                                              |
|---------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| 1       | Lal Man S/o Hukam Chand, R/o Village Ghadyal, P.O. Sianj, Tehsil Chachyot, District Mandi, H.P. | Nehru Lal S/o Sh. Bala Ram, R/o Village Bunala, P.O. Gohar, Tehsil Chachyot, Distt. Mandi, H.P. |

|   |                                                                                                       |      |
|---|-------------------------------------------------------------------------------------------------------|------|
| 2 | Prem Singh S/o Nand Lal,<br>R/o Village Kashan, P.O.<br>Sianj, Teh. Chachyot, District<br>Mandi, H.P. | -do- |
|---|-------------------------------------------------------------------------------------------------------|------|

(Priya Dogra)  
Judicial Magistrate First Class,  
Chachiot at Gohar, District Mandi H.P.

(himanshu)

JMFC Gohar