



ORDER BELOW EXHIBIT 52

(Passed on this 21st day of January, 2026)

1. The Motor Cycle owner Roshan Beg Kadar Beg has filed this application for getting custody of his Motor Cycle bearing no. MH-28-AP-9864, under Section 451 of Cr.P.C. It is submitted that, he is owner of said Motor Cycle and the said tractor has been seized by forest officer, Sonala. He further submitted that the said mother cycle was laying on area of forest office, he has need of said motor cycle for his daily work. The said motor cycle is standing in open place. Therefore, possibility of damage to the said tractor is cannot be ruled out. Therefore, the application be allowed and the custody of the said motor cycle be given to the applicant.

2. I have called the say of forest officer and Learned A.P.P. . The forest officer has stated in the written say below Exh. 53 that the said motor cycle has been seized in forest on dated 27/04/2020 under Section 26(1) f, d, of the Indian Forest Act and section 27, 51 of Wild life (protection) Act from accused person. It is further submitted that the Akot wild life department has by order confiscated said motor cycle under Section 61-A of the Indian Forest Act. The forest officer has filed copy of order od confiscation with his written say. The Learned A.P.P. strongly opposed the application and prayed for rejection of it.

3. The learned counsel for the applicant has not disputed the legal provision that when the property is seized under the Indian Forest Act then this court has no jurisdiction to release it, but his contention is that the prima-facie case is not made out against the applicant no.2. Therefore, this court has jurisdiction to release it.

4. Perused the record, allegation is that the accused persons have entered illegally into the forest land and Amba Barwa Sanctuary and illegal carrying teak wood on said motor cycle. The forest officer in his say below Exh. 53 submitted that the said motor cycle was confiscated under section 61A of forest Act by Akot wild life department. He has also filed on record copy of confiscated order. On perusal of said order it appears that the said motor cycle was confiscated under section 61A of Indian forest Act by Akot wild life department vide order dated 12/06/2020. I have gone through the Section 61-A to 61-G of the Indian Forest Act which has been added by the amendment of State of Maharashtra. As per Section 61-A of the said Act the Forest Officer has a power to seized the property when he believed that forest offence is committed. Specific provisions has been given under said Section in respect of the confiscation of the said property. Section 61-G is very well specific that except Officer authorized under Section 61-A or under Section 61-C or Sessions Judge only has power to pass order in respect of custody, possession, delivery of the property seized as per Section 52 (1) of the Indian Forest Act, notwithstanding any thing contrary to it containing in the Criminal Procedure Code. In view of the above Section it is very much clear that as per Section 451 of the Cr.P.C.

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this court has no power to pass any order in respect of the seized property under the Indian Forest Act, and when the said motor cycle was already confiscated by Akot wild life department. Therefore, the application is not maintainable in this court. Hence order:-

ORDER

The application is rejected.

Date: 21/01/2026.

(S. L. Ramteke)
Judicial Magistrate, F.C.,
Sangrampur.

