



**Summary Criminal Case No. 421/2018**  
**(State Through Forest Officer, Devsu vs.**  
**Niranjan Lakhumal Hiranandni etc 6)**

**ORDER BELOW EXH.01**

This private complaint is filed under section 26(1), a, b, d, e, f and 41(2)B of Indian Forest Act on 06.12.2018. My Ld. predecessor has issued process against accused on 06.12.2018 for said offences. Thereafter, the proceeding of the case stayed till further order as per the decision in Cri.Misc. Application No.25/2021 filed by accused No.1 and 2. Accordingly, the order has been received this Court on 24.06.2024 in Revision Application No.24/2023 whereby Hon'ble Sessions Court set aside the order dated 06.12.2018 in respect of issuance of process against accused and directed to reconsider said complaint and pass appropriate order in accordance with law. The grounds on which order has been set aside are that, process was issued by passing cryptic order without giving reasons and accused No.1 and 2 being resident of place beyond the area in which Magistrate exercises jurisdiction as well as non application of mind while issuing the process.

2. Complainant is absent since long. Hence, proceeded without argument of complainant.

3. Perused complaint along-with documents on record.

4. The offences alleged against the accused are punishable under section 26(1), a, b, d, e, f and 41(2)B of Indian Forest Act. The documents filed along with complaint reveals that, Survey No. 14/4, 14/5, 14/7, 14/9 is previously owned by

the Kanta Agro Orchards Pvt. Ltd. Mumbai, Survey No.14/6 previously owned by Vishnu Babaji Sawant, Survey No.14/11, 14/15 previously owned by Niranjana Agro Farm Pvt. Ltd., Survey No.14/12 previously joint owned by Vasudev Sitaram Sawant, Ujawala Dhaku Lad, Suhasini Suryakant Rane.

5. Complainant has filed notification dated 14.07.2005 which reveals that, as per section 22(a) of Indian Forest Act, cases pending in respect of land on 25.10.1980 or pending for permission for Central Government, it will be mentioned as "Maharashtra Reserve Forest" in possession column and name of sharer will mentioned in other rights column of 7/12 extract of land.

6. Further, Mutation Entry No.1002 specifically revealed that, Survey No.14 Hissa No.1 to 15 along with other survey numbers included in said mutation entry with remark in other rights column that, "महाराष्ट्र खाजगी वने अधिनियमातील तरतुदीस अधीन" i.e. subject to Maharashtra Private Forest Regulations, accordingly, entries mutated to mutation register and also revealed in 7/12 extracts of said survey numbers.

7. This complaint is filed by the public servant, who is Range Forest Officer. Therefore, as per section 200 of Cr.P.C, no examination of complainant is necessary. Further as per section 202, Court shall in case where the accused is residing at a place beyond the area in which he exercises his jurisdiction, postpones the issue of process against the accused or Magistrate can either inquire into the case by himself or direct an investigation to be made by a police officer or by such other person as he thinks fit,

for the purpose of deciding whether or not there is sufficient grounds exists to proceed in the case. Therefore, such enquiry by magistrate can be made by inspection of documents produced by the complainant along with complaint. In such case, inquiry by police officer is not necessary. On perusal of documents filed along with complaint, it appears that, Survey No.14 Hissa No.1 to 15 is situated in Kesari village, Dist. Sindhudurg are mutated in the name of Maharashtra Reserve Forest as per Mutation Entry No.1002 and 1003. Now, the Range Forest Officer alleged that accused No.1 to 6 have cut down the trees worth of Rs.4,29,013/- and caused loss to the Government. The name of accused No.1 to 6 are revealed on 7/12 extract of survey No.14 and they are *prima facie* prime suspect in alleged crime. Therefore, complainant has made out *prima facie* case against accused No.1 to 6. Further, as mentioned above on enquiry by the Court in view of section 202 of Cr.P.C., it appears that, accusation in the complaint are sustained *prima facie* against accused. Hence, there is no need of separate police investigation. Therefore, I pass following order.

-:: **ORDER** ::-

1. Issue process against accused No.1 to 6 for the offence punishable u/s. section 26(1), a, b, d, e, f and 41(2)B of Indian Forest Act, returnable on 18/09/2025.

(Smt.R. G. Kumbhar)

Date- 15.07.2025.

Judicial Magistrate, First Class,

Place- Sawantwadi.

Sawantwadi.