

..... Petitioner

1. The State of Jharkhand
2. The Revisional Authority-cum-Commissioner and Secretary, Ministry of Forest and Environment, Jharkhand, Ranchi.
3. The Deputy Commissioner, Hazaribagh
4. The Authorized Officer-cum-Divisional Forest Officer, East Forest Division, Hazaribagh

... Respondents

For the Petitioner : Mr. Hemant Kumar Shikarwar, Advocate
For the State : Mr. Ayush Deb, AC to GP-VI

1. This writ petition is preferred by the owner of the truck, against the order of confiscation under Section 52 of the Indian Forest (Bihar Amendment) Act in Confiscation Case No. 32/2001 which has been affirmed in appeal and revision.
2. It is submitted by the learned counsel on behalf of the petitioner that the said confiscation case arose from Bishungarh P.S. Case No. 32/2001 under Sections 414, 120(B) of the IPC and Section 33 of the Indian Forest (Bihar Amendment) Act. In the said case, the truck of the petitioner was seized as 12-13 metric tons of coal were loaded in it and the driver of the truck was made an accused who was put on trial in G.R. No. 1123/2001 (T.R. No. 135/2007) and was acquitted of the charges.
3. The instant writ petition has been filed mainly on the ground that despite the order of acquittal in the main case of the main accused, the truck has not been released. It is argued by the learned counsel on behalf of the Petitioner, that Petitioner was not even made an accused in the said case. It was the driver of the truck who was put on trial, who has been acquitted of the charges.
4. It is argued by the learned counsel on behalf of the State that mere acquittal in the criminal case in confiscation proceeding cannot be a ground for release of the vehicle in view of the ration laid down by the Hon'ble Apex Court in ***Divisional Forest Officer & Anr. V. G.V. Sudhakar Rao & Ors. 1986 AIR 328.***

5. In reply, learned counsel for the petitioner submits that the facts of the present case are distinguishable from the ratio relied upon inasmuch as in the case at hand, the accused has been acquitted of the charges after a full-fledged trial, whereas in the authority relied by the State, the FIR was quashed.
6. Having considered the submissions advanced on behalf of both sides, and the materials on record the short question that falls for consideration is whether the order of confiscation is liable to be set aside, for the reason that accused in the connected case has been acquitted of the charges.
7. This court is of the view that in view of the ratio relied upon by the State, no right inheres in the petitioner for release of vehicle on mere acquittal. Law has been laid down with abundant clarity in ***Divl. Forest Officer v. G.V. Sudhakar Rao, (1985) 4 SCC 573*** in the following words:

14. We find that a later division bench consisting of Kondaiah, C.J. and Punnayya, J. in Mohd Yaseen v. Forest Range Officer, Flying Squad, Rayachoti [(1980) 1 ALT 8] approved of the view expressed by Jeewan Reddy, J. in P.K. Mohammad case [(1978) 1 APLJ 391], and held that the Act contemplates two procedures, one for confiscation of goods forming the subject-matter of the offence by the Authorized Officer under sub-section (2-A) of Section 44 of the Act, and the other for trial of the person accused of the offence so committed under Section 20 or 29 of the Act. The learned Judges held that the Act provides for a special machinery for confiscation of illicitly felled timber or forest produce by the Authorized Officer under sub-section (2-A) of Section 44 enacted in the general public interest to suppress the mischief of ruthless exploitation of government forests by illicit felling and removal of teak and other valuable forest produce. They further held that merely because there was an acquittal of the accused in the trial before the Magistrate due to paucity of evidence or otherwise did not necessarily entail in nullifying the order of confiscation of the seized timber or forest produce by the Authorized Officer under sub-section (2-A) of Section 44 of the Act based on his satisfaction that a forest offence had been committed in respect thereof.

8. Thus, the Petitioner cannot derive any benefit out of the acquittal of the main

accused in the Forest Case. There is no any other material to show that the concurrent orders passed affirming the confiscation, suffers from any infirmity, so as to exercise the extraordinary writ jurisdiction.

Writ Petition accordingly stands dismissed.

Pending I.A., if any, stands disposed of.

(Gautam Kumar Choudhary, J.)

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