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Cr1.A.No. 1228 OF 1997

ITEM No.1A
FOR JUDGMENT

Court No. 5

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL No.1228 OF 1997

STATE OF H.P. Appellant (s)

VERSUS

DHANWANT SINGH Respondent (s)
WITH SLP(CRL) NO.1716/1998

(HEARD BY HON'BLE DORAISWAMY RAJU AND ARIJIT PASAYAT, JJ.)

Date : 12/02/2004 These Petitions were called on for pronouncement
of Judgment today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s)Mr. JS Attri, Adv.

For Respondent (s)

Hon'ble Mr. Justice Arijit Pasayat pronounced the Judgment of the Court.

Judgment of the High Court in Cr1. A.No1228/97 is set aside so far as relates to non-exercise of powers available under Article 227 of the Constitution. The High Court shall entertain the proceedings as a petition under Article 227 of the Constitution of India and consider the question of Section 69 of the Indian Forest Act and record its findings objectively on merits in accordance with law after hearing both parties. This appeal is partly allowed in terms of the signed Judgment.

Leave granted in SLP(Cr1) No.1716/1998

The Judgment delivered in Cr1.A.No.1228/97 shall govern this appeal also and the directions therein shall operate so far as this appeal is concerned. The appeal is disposed of accordingly in terms of the signed Judgment.

(D.L.Chugh) (Vijay Aggarwal)

AR-cum-PS Court Master

Singed Judgments (REPORTABLE) is placed on the file