

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**Criminal Appeal No 1047 of 2022**  
(Arising out of SLP(CrI) No 3045 of 2022)

**Basheer & Anr**

**.... Appellant(s)**

**Versus**

**State of Kerala**

**....Respondent(s)**

**ORDER**

- 1 Leave granted.
- 2 By an order dated 8 August 2003, the Judicial First Class Magistrate-II (Forest Offences) Manjeri convicted the appellants of offences punishable under Sections 27(1)(a)(iii), 27(1)(a)(iv) and Section 27(1)(d) of the Kerala Forest Amendment Act. The appellants were sentenced to suffer rigorous imprisonment for six months and to a fine of Rs 1,000 in respect of each of the offences.
- 3 The High Court, in revision, set aside the conviction under Sections 27(1)(a)(iii) and 27(1)(a)(iv). However, it confirmed the conviction under Section 27(1)(d). The sentence which was imposed by the trial court in respect of the offence under Section 27(1)(d) has been maintained.
- 4 Notice was issued by this Court on 4 April 2022 confined to the question of sentence.

- 5 Counsel appearing on behalf of the appellants has attempted to argue that since the appellants were acquitted of the offences punishable under Sections 27(1)(a) (iii) and 27(1)(a)(iv), the case of the prosecution that the appellants had trespassed into the forest for the purpose of felling the trees and collecting the logs of teak timber has not been believed. Hence, it has been submitted that, in that event, the appellants would be entitled to the benefit of doubt in respect of the offence under Section 27(1)(d) for which they have been convicted.
- 6 The notice was issued by this Court on 4 April 2022 only on the point of sentence. Quite apart from this, we are not inclined to entertain the challenge to the conviction under Section 27(1)(d). The concurrent finding which has been recorded is that the appellants were found in conscious possession of 162 pieces of teak wood which were recovered from a place under possession and control of the appellants. The ingredients of the offence under Section 27(1)(d) were fulfilled.
- 7 On the point of sentence, however, we are inclined to accede to the alternative submission of the counsel for the appellants that a reduction of the sentence is warranted.
- 8 Having due regard to all the facts and circumstances, we reduce the sentence to three months instead and in place of six months' rigorous imprisonment awarded by the trial court and affirmed by the High Court, while maintaining the fine. The appeal shall stand allowed to the above extent with a reduction of sentence from six months to three months rigorous imprisonment with fine, as imposed by the trial court.

9 Pending application, if any, stands disposed of.

.....J.  
[Dr Dhananjaya Y Chandrachud]

.....J.  
[Surya Kant]

**New Delhi;**  
**July 27, 2022**  
**-S-**

ITEM NO.3

COURT NO.4

SECTION II-B

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).3045/2022

(Arising out of impugned final judgment and order dated 01-11-2021 in CRLRP No. 324/2005 passed by the High Court of Kerala at Ernakulam)

BASHEER &amp; ANR.

Petitioner(s)

VERSUS

STATE OF KERALA

Respondent(s)

(FOR ADMISSION)

Date : 27-07-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Haris Beeran, Adv.  
Mr. Mushtaq Salim, Adv.  
Mr. Usman Ghani, Adv.  
Mr. Azhar Assees, Adv.  
Mr. Radha Shyam Jena, AOR

For Respondent(s) Mr. C. K. Sasi, AOR  
Mr. Abdullah Naseeh, Adv.  
Ms. Meena K. Poullose, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

- 1 Leave granted.
- 2 In terms of the signed order, we reduce the sentence to three months instead and in place of six months' rigorous imprisonment awarded by the trial court and affirmed by the High Court, while maintaining the fine. The appeal shall stand allowed to the above extent with a reduction of sentence from six months to three months rigorous imprisonment with fine, as imposed by the trial court.

3 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**

**(Signed order is placed on the file)**