

## Bansi Mahto Vs State of Jharkhand and Others

**Court:** Jharkhand High Court

**Date of Decision:** March 23, 2011

**Acts Referred:** Forest Act, 1927 " Section 33  
Penal Code, 1860 (IPC) " Section 414

**Citation:** (2011) 2 JCR 450 : (2011) 8 RCR(Criminal) 1979

**Hon'ble Judges:** Rakesh Ranjan Prasad, J

**Bench:** Single Bench

**Final Decision:** Allowed

### Judgement

@JUDGMENTTAG-ORDER

R.R. Prasad, J.

Heard learned Counsel appearing for the Petitioner and learned Counsel appearing for the State.

2. It appear that an order as contained in annexure 1 was passed on 28.10.1999 by the Authorized Officer-cum-Divisional Forest Officer,

Hazaribagh, Forest Division-West whereby a Tractor bearing registration No. BR-13A-9631 and a Tractor bearing registration No. BR-13A-

9131 were confiscated on the ground that an offence u/s 414 of the Indian Penal Code and u/s 33 of the Indian Forest Act was committed through

the said vehicle. That order was modified by the Appellate Authority whereof the vehicles were ordered to be released on deposit of Rs. 10,000/-

as fine. That order on being challenged was set aside by the Revisional Authority.

3. The aforesaid orders passed by the competent authority as contained in annexure 1 and also by the Revisional Authority as contained in

annexure 3 have been challenged.

4. The facts giving rise this application are that when an information was received by the Sub-Inspector, Chitrakut Camp that the coal after being

extracted illegally has been carried away in Tractor/Tractor. When the same were intercepted the coal was being unloaded from it which were

seized and on that allegation, a case was registered against owner as well as driver of the Tractor and also against the other persons. At the same

time, a confiscation proceeding, vide Confiscation Case No. 12 of 1998 was initiated. The Petitioner, who is the owner of the Tractor on putting

appearance took a plea that the coal which had been seized was being carried under the valid document but that plea was not accepted and hence,

the order was passed on 28.10.1999 whereby Tractor and the Tractor were confiscated. The said order on being challenged before the Appellate

Authority was set aside and the Tractor was ordered to be released on certain condition. That order was challenged before the Revisional

Authority and the revisional authority by setting aside the order passed by the Appellate Authority restored the order passed by the competent

authority.

5. Learned Counsel appearing for the Petitioner submits that subsequent to the order passed by the Revisional Authority, the Petitioner, who was

put on trial for the commission of offence u/s 414 of the Indian Penal Code and u/s 33 of the Indian Forest Act was acquitted and hence, the order

of acquittal will have much bearing upon the order passed by the Confiscating Authority and thereby the order passed by the Confiscating

Authority and also by the Revisional Authority warrants to be set aside.

6. I do find much substance in the submission advanced on behalf of the Petitioner. Admittedly, the Petitioner, who was owner of the Tractor has

been acquitted from the criminal charge. As the Petitioner has already been acquitted of the criminal charge, the orders passed by the competent

authority as contained in annexure 1 and also by the Revisional Authority as contained in annexure 3 confirming the order passed by the competent

authority warrant to be set aside. Accordingly, the same are set aside.

7. Consequently, the Tractor bearing registration No. BR-13A- 9631 and the Tractor bearing registration No. BR-13A-9131 are directed to be

released forthwith in favour of the Petitioner. Accordingly, this application is allowed.