

PETITIONER:
ASSISTANT FOREST CONSERVATOR & ORS.

Vs.

RESPONDENT:
SHARAD RAMCHANDRA KALE

DATE OF JUDGMENT: 27/11/1997

BENCH:
G.T. NANAVATI, V.N. KHARE

ACT:

HEADNOTE:

JUDGMENT:
THE 27TH DAY OF NOVEMBER, 1997

Present:

Hon'ble Mr.Justice G.T.Nanavati
Hon'ble Mr.Justice V.N.Khare

D.M.Nargolkar and S.M.Jadhav, Advs. for the appellants
V.A.Bobde, Sr.Adv., Mrs.Alamjit S.Nand., S. Mudaliar,
Alamjit Chauhan, Advs. with him for the Respondent

J U D G M E N T

The following Judgment of the Court was delivered:

This appeal is filed against the judgment and order of the Bombay High Court in Writ Petition No. 104 of 1988.

The truck of the respondent was ordered to be confiscated by the Assistant Conservator of Forest, as it was found involved in commission of a forest offence. The order was confirmed by the Conservator of Forest. Against this order, the respondent preferred an appeal to the Session Court but it was dismissed. Therefore, he approached the High Court with a petition under Article 227 of the Constitution. The High Court set aside the order of confiscation on the ground that the authorities had failed to establish that the owner of the truck had any knowledge that his truck was likely to be used for carrying forest produce in contravention of the provision of the Forest Act. This finding was based upon the evidence on the record. Therefore, we do not consider it proper to interfere with such finding.

We, therefore, dismiss this appeal.