



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 2176 OF 2025

1. Ravi K.S.

Age-49, Occ-Business  
Residing at 510, 14<sup>th</sup> Main Road,  
4<sup>th</sup> Block Nandani Lay Out,  
Bangalore,  
Karnataka – 560096.

2. Rajkumar Harpal Godara,  
Age-49, Occ-Business,  
Residing at D-401, Tirupati Complex,  
Plot No. 8, Sector No.. 36,  
Kamothe, Panvel,  
Raigad.

..Petitioners

ARUN  
RAMCHANDRA  
SANKPAL

Digitally signed by  
ARUN  
RAMCHANDRA  
SANKPAL  
Date: 2026.03.17  
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**Versus**

The State of Maharashtra  
At the instance of Chief Conservator of Forest,  
Thane

...Respondent

Mr. Sachin R Pawar, for the Petitioners.  
Mr. A.R. Metkari, APP, for the Respondent-State.

CORAM: N. J. JAMADAR, J.  
RESERVED ON : 8<sup>th</sup> JANUARY 2026  
PRONOUNCED ON : 17<sup>th</sup> MARCH 2026



**JUDGMENT:**

1. Rule. Rule made returnable forthwith and, with the consent of the learned Counsel for the parties, heard finally.

2. By this Petition under Article 227 of the Constitution of India and Section 482 of the Criminal Procedure Code, 1973, the Petitioners assail the legality, propriety and correctness of a judgment and order dated 13<sup>th</sup> March 2025 passed by the learned Additional Sessions Judge Panvel in Criminal Appeal No. 10 of 2023, whereby the Appeal preferred by the Petitioners against an order passed by the Chief Conservator of Forest, dated 27<sup>th</sup> December 2022, under Section 61-C of the Indian Forest Act, 1927 (“Forest Act, 1927”), came to be dismissed by affirming the said order which, in turn, has affirmed an order of confiscation of the forest-produce and vehicle, passed by the Competent Authority and Assistant Conservator of Forest, Panvel, under Section 61-A of the Forest Act, 1927.

3. Shorn of superfluities, the background facts leading to this Petition can be stated as under:

3.1 The Petitioners were transporting 14204 Kgs of red sanders logs, which were stored at M/s Jai Hanuman Wood Works, No. 50/2, Vijinapura, Doorvaninagar, Bangalore to M/s Shreya Trading Private Ltd, Phoolpada Road, Virar, Thane, Maharashtra, in a vehicle being Registration No. MH-46-AF-6741. The Deputy Range Forest Officer,



Yelahanka Range, Karnataka, had issued exchange permit for transportation of the said forest-produce.

3.2 The said vehicle carrying the forest-produce was checked at Inter-State Check Post (Forest Department), Kagal, Kolhapur. Thereupon, the Maharashtra State Forest Department officials issued an exchange pass bearing No. 014586 for transportation of the forest-produce in the said vehicle to Virar. The transport pass was valid till 1<sup>st</sup> July 2016.

3.3 It is the claim of the Petitioners that when the vehicle reached Kalamboli, it developed mechanical issues. While the vehicle was stationed roadside for the purpose of repairs, the local police intercepted the vehicle.

3.4 After the preliminary enquiry, the vehicle along with the forest-produce was handed over to Forest Department on 3<sup>rd</sup> July 2016 as the pass had by then expired.

3.5 During the enquiry by the Forest Department officials, it transpired that the mark "JAI" affixed on the logs by the Deputy Range Forest Officer, Yelahanka Range, Karnataka, was missing and instead some other property marks such as FD CE-48, CE-41, CE-49 and CE-3 were found on the logs. Nine logs were found without any property mark. Noting that the property mark mentioned on the pass and the property mark visible on the logs did not match, and, resultantly, there was violation of the provisions contained in Section 41 of the Forest Act,



1927, CR No. 1 of 2016 was lodged by the Forest Department, Panvel, for the offences punishable under Section 41, 52(1), 52(2) of the Forest Act, 1927. Thereafter, by an order dated 28<sup>th</sup> April 2021, the Assistant Conservator of Forest, Panvel, confiscated the said vehicle under Section 61-A of the Forest Act, 1927 (Maharashtra Amendment).

3.6 Being aggrieved, the Petitioners preferred a Revision Application under Section 61-C of the Forest Act, 1927, before the Chief Conservator of Forest. By an order dated 27<sup>th</sup> December 2022, the Chief Conservator of Forest dismiss the Revision Application.

3.7 Being further aggrieved, the Petitioners preferred an Appeal before the Sessions Judge under Section 61-D of the Forest Act, 1927.

3.8 By the impugned order, the learned Additional Sessions Judge, Panvel, was persuaded to dismiss the Appeal observing that indisputably the pass for transportation had expired on 1<sup>st</sup> July 2016, when the vehicle was found stationed at Kalamboli, the mark, "JAI" affixed by the Deputy Range Forest Officer, Yelahanka Range, Karnataka, was not found on the wooden logs and there was no attempt on the part of the Appellants/Petitioners to renew the permit. Thereafter the Petitioners were not entitled to the return of the confiscated forest-produce and vehicle.



3.9 Being further aggrieved and dissatisfied with the impugned order, the Petitioners have invoked the writ and inherent jurisdiction of this Court.

4. I have heard Mr. Sachin R Pawar, the learned Counsel for the Petitioners, and Mr. A.R. Metkari, the learned APP, for the Respondent-State, at some length. With the assistance of the learned Counsel for the parties, I have perused the material on record.

5. Mr. Pawar, the learned Counsel for the Petitioners, submitted that the fact that the forest-produce was being transported under a pass could hardly be contested. Not only the issue of transport permit by Deputy Range Forest Officer, Yelahanka Range, Karnataka, is not in dispute but the said officer has also confirmed the said fact by addressing a communication dated 14<sup>th</sup> October 2019 with the particulars of the property mark affixed by him on the logs.

6. Mr. Pawar would further submit that, the fact that the Range Forest Officer, Karveer, Maharashtra, had issued an exchange pass for transportation of the forest-produce, on the basis of the pass issued by the Deputy Range Forest Officer, Yelahanka Range, Karnataka, which was to be valid till 1<sup>st</sup> July 2016, is also incontestable. Without controverting the fact that the said vehicle carrying the forest-produce was intercepted at Kalamboli on 1<sup>st</sup> July 2016, Mr. Pawar would urge that as the vehicle had travelled through heavy rains, it had developed



snag and was, therefore, required to be stationed at Kalamboli for the purpose of repairs. After initial enquiry by the local police, the vehicle alongwith forest-produce was delivered to the State Forest Officials on 3<sup>rd</sup> July 2016.

7. Mr. Pawar strenuously submitted that, what impairs the prosecution case is the inordinate delay in carrying out the panchnama of the said vehicle and the contents thereof. The panchnama was carried out on 2<sup>nd</sup> August 2016, well after a month of the purported seizure. It is on the basis of the weight and conditions of the logs, including the marks thereon, noted in the said panchnama, the prosecution came be initiated.

8. Mr. Pawar assiduously submitted that, property marks FD CE-48, CE-41, CE-49 and CE-3 put by the Deputy Range Forest Officer, Yelahanka Range, Karnataka did find mention on the wooden logs. Thus, on the basis of the fact that the other mark "JAI" did not find mention on the wooden logs, the Assistant Range Forest Officer could not have drawn an inference that offences were committed in relation to the forest-produce and, especially, in the face of the permit.

9. Mr. Pawar placed a very strong reliance on the communication dated 14<sup>th</sup> October 2019 addressed by the Deputy Range Forest Officer, Yelahanka Range, Karnataka, which according to Mr. Pawar, demolishes the prosecution case that the forest-produce was illegally transported.



The Chief Conservator of Forest, as well as the learned Additional Sessions Judge, did not properly appreciate the material on record and have mechanically upheld the order of confiscation passed by the Assistant Conservator of Forest, submitted Mr. Pawar.

**10.** In contrast to this, Mr. Metkari, the learned APP, submitted that, incontrovertibly on 1<sup>st</sup> July 2016, the pass had expired, and yet, no efforts were made by the Petitioners to renew the pass. This fact, singularly establishes the transportation of the forest-produce in contravention of the provisions of Section 41 of the Forest Act, 1927.

**11.** Mr. Metkari would further submit that, the discrepancy in the mark affixed by the Deputy Range Forest Officer, Yelahanka Range, Karnataka, cannot be brushed aside as a minor irregularity. The absence of the property mark, according to Mr Metkari, leads to no other inference than that of illegal transportation of the forest-produce.

**12.** Mr. Metkari would further submit that the Authorities under the Forest Act, 1927 have drawn an inference that the forest-offence has been committed in relation to the forest-produce based on objective material in the form of conditions of the logs, absence of marks thereon and the statements recorded during the course of the enquiry. As the order passed by the Authorities under the Forest Act, 1927 and the impugned order cannot be said to be perverse or unreasonable, the said orders are not amenable to inference in exercise of writ jurisdiction.



**13.** Before adverting to consider the contentious submissions it may be apposite to note the legislative regime which governs the use, transportation and sale of the forest-produce.

**14.** The Indian Forest Act, 1927 was enacted to consolidate the law relating to forest, the transit of forest-produce and the duty leviable on timber and other forest- produce. Under Section 2(4) “forest-produce” includes —

(a) the following whether found in, or brought from, a forest or not, that is to say, —

timber, charcoal caoutchouc, catechu, wood-oil, resin,  
natural varnish, bark, lac, mahua flowers, mahua sees,  
kuth and myrabolams, and

... ..

**15.** Sub-Section (b) of Section 2 defines, “timber” to include trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not; and under sub-Section (7), “ tree” includes palms, stumps, brush-wood and canes.

**16.** “Forest-offence” has been defined in Section 2(3) to mean an offence punishable under the Forest Act, 1927 or under any rule made thereunder.

**17.** In the context of the controversy at hand, the provisions contained in Chapter VII of the Forest Act, 1927, under the caption, “Of



The Control Of Timber And Other Forest-Produce in Transit” deserve to be noted. Chapter VII subsumes the provisions contained in Sections 41 to 44 of the Act.

**18.** Section 41 (1) vests the control of all timber and other forest-produce in transit by land or water, in the State of Maharashtra. It also empowers the State Government to make rules to regulate the transit of all timber and other forest-produce. Under sub-Section (2) of Section 41, the rules may prescribe, the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within the State; prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass; and provide for the issue, production and return of such passes and for the payment of fees therefor.

**19.** Under Section 42, the State Government is empowered to prescribe penalties for the contravention of the rules, which may extend to one year or with fine which may extend to five thousand rupees (Maharashtra Amendment).

**20.** It would be contextually relevant to note that in exercise of the powers, the State of Bombay has framed, Bombay Forest Rules, 1942 (“Forest Rules, 1942”). Chapter VI of the Forest Rule, 1942, makes provision for transit of forest produce. Rules 66 and 68 assume



importance in the determination of the controversy at hand. The relevant part of Rule 66 and Rule 68 read as under:

**“66. Regulation of transit of forest produce by means of passes.**

No forest produce shall be moved into, or from, or within any district of the pre-Reorganisation State of Bombay excluding the transferred territories, except as hereinafter provided, without a pass from some officer or person duly authorised by or under these rules to issue such pass, or otherwise than in accordance with the conditions of such pass or by any route or to any destination other than the route or destination specified in such pass:

... ..

**68 Passes what to contain.**

- (1) Every forest pass issued under rule 67 shall specify —
- (a) the name of the person to whom such pass is granted;
  - (b) the quantity and description of forest-produce covered by it;
  - (c) in the case of forest-produce referred to in clause (a) of sub-rule (1) of rule 67, the name of the village and survey number in which it was produced;
  - (d) the places from and to which such forest-produce is to be conveyed;
  - (e) the route by which such forest-produce is to be conveyed;
- and
- (f) **the period of time for which the pass is to be in force, which shall be calculated as follows:—** The day of issue plus in the case of transport by a motor vehicle, a day for transit to any point up to 80 miles from the village of origin plus an additional day for



every additional 80 miles or fraction thereof, and, in the case of any other form of transport, a day for transit to any point up to 15 miles from the village of origin plus an additional day for every additional 15 miles or fraction thereof:

... ..”

**21.** Under Rule 129, Penalties for breach of certain rules has been provided. Rule 129 reads as under:

**“129. Penalties for breach of certain rules.**

Whoever contravenes the provisions of rules 66, 70, 71(3) to (7), 72, 75, 76, 80 to 82, 84, 85(2), 86, 88, 102, 104,105, 107 to 109, or 113 shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

**22.** Chapter IX of the Forest Act, 1927 deals with penalties and procedure. Section 52 of the Forest Act, 1927, empowers the Forest Officer or Police Officer to seize forest-produce together with all tools, boats, vehicle or cattle, if there is reason to believe that a forest-offence has been committed in respect of any forest-produce. Section 55 of the Forest Act, 1927, provides that all timber or forest-produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats, vehicles and cattle used for committing any forest-offence, shall be liable to confiscation. Sub-Section (2) of Section 55 provides for such confiscation may be in addition to any other punishment prescribed for such offence.



**23.** By Maharashtra Act 7 of 1985, after Section 61 of the Forest Act, 1927, Section 61-A to 61-G came to be inserted, in its application to the State of Maharashtra, prescribing a mechanism for confiscation proceedings before the authorised officer.

**24.** Section 61-A prescribes for confiscation by Forest Officers of forest-produce when forest-offence has been believed to have been committed. Section 62-B prescribes procedure before confiscation under Section 61-A.. The principle of opportunity of hearing to the affected person is embedded in the said procedure. Section 61-C provides for a remedy of Revision before the Conservator of Forest against an order passed by the Authorised Officer under Section 61-A. Section 61-D, under which the impugned order came to be passed, provides an Appeal to the jurisdictional Sessions Judge against an order passed under Section 61-A or Section 61-C. Section 61-E clarifies that confiscation of the forest-produce or vehicle etc, under Sections 61-A, 61-C or 61-D does not save the offender from any other punishment which may be imposed upon him under the said Act or any other law. Section 61-F stipulates that after the order of confiscation becomes final, the property so confiscated vests in the State Government free from all encumbrances. Section 61-G bars jurisdiction of other Courts and Authorities with regard to the custody, possession, delivery, disposal of the property seized under the forgoing provisions.



25. The provisions contained in Section 69 also deserve to be noted:

**“69. Presumption that forest-produce belongs to Government.—**

When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.”

26. Section 69 enacts a presumption that the forest produce belongs to the Government until the contrary is proved. It provides that when in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

27. In the context of the controversy at hand in regard to the confiscation of the vehicle, the provision contained in Section 61-B (2) are of material significance. It reads as under:

“61-B Issue of show cause notice before confiscation under Section 61-A.—(1) No order confiscating tools, boats, vehicles or cattle shall be made under Section 61-A except after notice in writing to the person from whom it is seized and considering his objections, if any:

Provided that no order confiscating a motor vehicle shall be made except after giving notice in writing to the registered owner thereof, if in the opinion of the authorised officer it is practicable to do so, and considering his objections, if any.

(2) Without prejudice to the provisions of sub-Section (1), no order confiscating any tool, boat, vehicle or cattle shall be made under Section 61-A if the owner of the tool, boat, vehicle



or cattle proves to the satisfaction of the authorised officer that it was used in carrying the timber, sandalwood, firewood, charcoal or any other notified forest-produce without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, boat, vehicle or cattle and that each of them had taken all reasonable and necessary precautions against such use.

... ..”

**28.** If the provisions contained in the Forest Act, 1927, in its application to the State of Maharashtra, and the rules framed by the State Government thereunder are considered in juxtaposition with each other, the anxiety of the legislature in providing a strict mechanism for the use and transit of forest-produce with a view to conserve the forest and arrest de-forestation so as to avoid disastrous consequences of ecological imbalance and environmental de-gradation becomes abundantly clear. The legislature has thus made provisions for the transit of the forest-produce in strict conformity with the rules. The power to confiscate the forest-produce and the vehicles was considered a necessary deterrent to prevent the exploitation and de-gradation of the forest. Thus, while interpreting the provisions of the Act, the legislative object in inserting these stringent measures deserves to be kept in view.

**29.** In the case of **State of West Bengal and Ors Vs Sujit Kumar Rana**,<sup>1</sup> the Supreme Court enunciated that the statutes which provide for

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<sup>1</sup> AIR 2004 SC 1851.



protection of forest to maintain ecological balance should receive liberal construction at the hands of the superior Courts. It was in terms observed that the provision for confiscation have been made as a deterrent object so that felling of trees and deorestation is not made. The observations in paragraph 19 and 20 of the said judgment are material and hence extracted below.

"19. The provisions of law referred to hereinbefore leave no manner of doubt that upon seizure of forest produce, timber or vehicles etc. the concerned authority has an option to report the factum of such seizure both to the concerned Magistrate as also the authorized officer, save and except in the cases which would fall within the purview of the proviso appended to sub-section (2) of Section 52 of the Act, as amended by the State of West Bengal. The report in relation to such seizure is required to be made either for (1) confiscation of the seized property; (2) prosecution of the offender; or (3) for both.

20. The legislature has inserted the aforementioned provisions with a laudable object. Forest is a national wealth which is required to be preserved. In most of the cases, the State is the owner of the forests and forest produce. Depletion of forests would lead to ecological imbalance. It is now well-settled that the State is enjoined with a duty to preserve the forest so as to maintain ecological balance and, thus, with a view to achieve the said object forest must be given due protection. Statutes which provide for protection of forest to maintain ecological balance should receive liberal construction at the hands of the superior Courts. Interpretive exercise of such power should be in consonance with the provisions of such statutes not only having regard to the principle of



purposive construction so as to give effect to the aim and object of the legislature; keeping the principles contained in Articles 48-A and 51-A (g) of the Constitution of India in mind. The provisions for confiscation have been made as a deterrent object so that felling of trees and deforestation is not made."

30. Following the aforesaid pronouncement, in the case of **Mohd Ashique Vs State of Maharashtra**,<sup>2</sup> wherein the provisions dealing with confiscation proceedings (Sections 61-A to 61-G), fell for consideration, the Supreme Court reiterated that the purpose behind enacting these provisions in the Forest Act, 1927, cannot be ignored or allowed to be defeated.

31. In the case of **State of Madhya Pradesh Vs Uday Singh**,<sup>3</sup> in the context of the provisions of Forest Act, 1927, as amended by the MP Act 25 of 1983, the Supreme Court made following pertinent observations:

"27. The Madhya Pradesh amendments to the Indian Forest Act 1927 are infused with a salutary public purpose. Protection of forests against depredation is a constitutionally mandated goal exemplified by Article 48A of the Directive Principles and the Fundamental Duty of every citizen incorporated in Article 51A (g). By isolating the confiscation of forest produce and the instruments utilised for the commission of an offence from criminal trials, the legislature intended to ensure that confiscation is an effective deterrent. The absence of effective deterrence was considered by the

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2 2009 ALL MR (Cri) 251 (S.C.)

3 AIR 2019 SC 1597.



Legislature to be a deficiency in the legal regime. The state amendment has sought to overcome that deficiency by imposing stringent deterrents against activities which threaten the pristine existence of forests in Madhya Pradesh. As an effective tool for protecting and preserving environment, these provisions must receive a purposive interpretation.

For, it is only when the interpretation of law keeps pace with the object of the Legislature that the grave evils which pose a danger to our natural environment can be suppressed. The avarice of humankind through the ages has resulted in an alarming depletion of the natural environment. The consequence of climate change are bearing down on every day of our existence. Stationary interpretation must remain eternally vigilant to the daily assaults on the environment.”

(emphasis supplied)

**32.** In the light of the aforesaid statutory regime and judicial precedents, which have expounded the object of the legislative provisions and the approach to be adopted by the Courts in applying these provisions to the facts of the given case, reverting to the facts of the case at hand, first and foremost, it is imperative to note that the fact that on 3<sup>rd</sup> July 2016 when the vehicle laden with red sanders logs, was intercepted at Kalamboli, it had no valid transit pass, is not much in dispute. On the own showing of the Petitioners, the transit pass had expired on 1<sup>st</sup> July 2016.



**33.** Under Section 41 of the Act, the State Government is empowered to make rules, *inter alia*, to prohibit the import or export or moving of timber or other produce without a pass or otherwise in accordance with the conditions of such pass. Under the Forest Rules, 1942, the State Government has made the rules. In the light of the provisions contained in Rule 68 of the Forest Rules, 1942, (extracted above), the forest pass issued under Rule 67 shall specify the period of time for which the pass is to be in force. Rule 66, in turn, proscribes the transit of forest-produce without a valid pass.

**34.** As noted above in Section 2(3), forest-offence means an offence punishable under the Forest Act, 1927 or under any rule made thereunder. Section 42 of the Forest Act, 1927, *inter alia* provides that the State Government may, by rules made under Section 41, prescribe penalties for the contravention of those rules. Under Rule 129 of the Forest Rules, 1942, the contravention of the provisions contained in Rule 66 is punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

**35.** A cumulative reading of the aforesaid provisions leads to an inescapable inference that transit of forest-produce in contravention of the conditions of pass would amount to transit in contravention of the rules and, resultantly, punishable under the rules. Once, an act or



omission is made an offence under any rule made under the provisions of the Forest Act, 1927, it amounts to a forest-offence within the meaning of Section 2(3) of the Act.

**36.** In the case at hand the fact that when the vehicle laden with red sanders logs was intercepted at Kalamboli by local police, the pass to transport the forest-produce had expired is rather incontrovertible. An explanation was sought to be offered on behalf the Petitioners that the Petitioners could not take steps to renew the pass/permit as 1<sup>st</sup> July 2016 happened to be a holiday on account of Jamat Ul-Vida. The Authorities below have found the said explanation unworthy of credence and rightly so. 1<sup>st</sup> July 2016 was not a notified public holiday. The explanation sought to be given by the Petitioners for non-renewal of the pass appeared to be rather egregious. Nor any material could be produced before the Authorities below to demonstrate that the vehicle had developed a technical snag. In the absence of any cogent material, the Authorities under the Forest Act, 1927, were justified in discarding the said contention.

**37.** The situation which thus obtains is that a forest-offence in the contemplation of the provisions contained in Section 42 read with Section 41 and Rule 129 of the Forest Rules, 1942, can be said to have been *prima facie* made out. Once this foundational fact is established, the enquiry into the justifiability of the exercise of the power to



seize the forest-produce and confiscate the vehicle, becomes rather objective.

**38.** The power to seize and confiscate the forest-produce is conditioned by the satisfaction to be recorded by the Authorised Officer that there was reason to believe that a forest-offence has been committed in respect of the forest-produce. In the case at hand, in view of the rather indisputable fact that when the vehicle was intercepted at Kalamboli, there was no valid transit pass, it cannot be said that the Authorised Officer had no reason to believe that forest-offence has been committed in relation to the forest-produce. It is imperative to note, under sub-Section (3) of Section 61-A when the authorised officer is satisfied that a forest-offence has been committed in respect of forest-produce, produced before him, he shall order the forest-produce so seized to be taken charge of by a forest officer. In regard to the forest-produce, in respect of which forest-offence has been committed, no discretion is left with the authorised officer once he is satisfied that such offence has been committed but to order its confiscation.

**39.** The thrust of the submission of Mr. Pawar premised on the delay in drawing the panchnama, minor discrepancy in the mark on the red sanders logs, especially, in the light of the communication addressed by the Deputy Range Forest Officer, Yelahanka Range, Karnataka, centered around the point as to whether the red sanders logs which were



cleared at Karveer Inter-State Check Post, were the same which were found in the vehicle at Kalamboli. However, in the considered view of this Court, that issue does not bear upon the primary question as to whether the forest-offence was committed when the vehicle was found laden with forest-produce without a valid permit. The transportation of the forest-produce in breach of the conditions of the pass and beyond vaildiy period of the said pass amounted to a forest-offence, *eo instanti*. Therefore, no mileage can be drawn from the fact that the discrepancy in the mark on the red sanders logs was minor and stood explained by the communication addressed by the The Deputy Range Forest Officer, Yelahanka Range, Karnataka.

**40.** Under Rule 68 of the Forest Rules 1942, the forest pass shall specify the places from which and to which such forest-produce is to be conveyed. The communication of The Deputy Range Forest Officer, Yelahanka Range, Karnataka, dated 14<sup>th</sup> October 2019 clarifies that he had issued exchange permit for transportation of red sanders logs from M/s Jai Hanuman Wood Works, Doorvaninagar, Bangalore, Karnataka to M/s Shreya Trading Private Ltd, Phoolpada Road, Virar, Thane, Maharashtra. The forest-produce was thus to reach the destination by 1<sup>st</sup> July 2016. The interception of the vehicle laden with red sanders logs at Kalamboli, thus cannot be said to be immaterial or



inconsequential. The permit was to transport forest-produce to a defined destination.

41. It is not enough that the forest-produce was found in the same position in which it was transported from the source. Given the strict measures envisaged by the legislature, no deviation can be tolerated in regard to the destination of the forest-produce, even if it is transported with a valid pass. The seizure of the vehicle laden with the forest-produce at a place, well before of its destination, beyond the validity period of the pass, cannot be brushed aside as a mere irregularity, as such situation is impregnated with opportunities for the commission of further forest-offences. Therefore, in the absence of a justifiable reason for not reaching the destination within the validity period of the pass or for not seeking renewal of the transit pass, especially in view of the fact that a wholly preposterous explanation was offered that the transit pass could not be renewed on 1<sup>st</sup> July 2016 as it happened to be a public holiday, (which was ex-facie incorrect), the Petitioners cannot be permitted to wriggle out of the consequences.

42. A useful reference in this context can be made to a Division Bench judgment in the case of **Shyamrao S/o Kewalram Kapgate and Anr Vs State of Maharashtra and Ors,**<sup>4</sup> wherein the Division Bench held that once it was not in dispute that the Petitioners had been transporting the forest-produce in the absence of any transit pass for

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4 2003 (4) MhLJ 181.



such transportation of the forest-produce, the forest-offence is clearly disclosed and, therefore, no fault can be found with the impugned order passed under Section 61-A and confirmed under Section 61-D of the said Act on the ground of absence of transit pass while transportation of such forest-produce.

**43.** For the forgoing reasons, no interference is warranted with the impugned order.

**44.** The Petition, therefore, deserves to be dismissed.

**45.** Hence, the following order:

(i) The Petition stands dismissed.

(ii) Rule discharged.

No costs.

[N. J. JAMADAR, J.]