

IN THE COURT OF DEPUTY COMMISSIONER-CUM-DISTRICT MAGISTRATE, GIRIDIH

Confiscation Appeal Case No. 13/2022

Jalil Ansari vs State

ORDER

12.09.24 This case has been initiated on the appeal made against Confiscation Order of Divisional Forest Officer (DFO), Giridih East Forest Division cum Authorized Officer in Confiscation No. 29/2018 in which the learned DFO has ordered on 04-08-2022 for confiscation of one Mahindra Pickup vehicle bearing registration no. JH-11D-4647 and also around 14 quintals of firewood.

The Appellant has prayed that the learned Court has failed to appreciate the fact that in the offense report it has clearly been stated that the owner of the bakery Ramjan Ansari is mainly responsible for the said offense. That the appellant is the owner of the vehicle and there is no evidence on record that he was in connivance with the bakery owner in any manner. That vehicle of the appellant was hired by the bakery owner for transporting the firewood from the saw mill to the bakery and for this purpose the appellant had received charges for transportation. The appellant has no concern with the firewood. That there is no allegation that the seized firewood was brought from any forest area and that in the seizure list the specific variety of firewood has not been stated and it can be presumed that the firewood was of exempted species. That the seized vehicle is a commercial vehicle and its detention is not proper in view of the judgement of the Hon'ble Supreme Court in Sunderbhai Ambala Desai Case.

gj-

Upon perusal of the lower court record it is observed that on receipt of secret information Forest Range Officer intercepted the said vehicle carrying around 14 quintals of firewood of mixed species. That no documents were found regarding validity of the firewood. That as per relevant sections of Indian Forest Act 1927 (Bihar Amendment Act 1989) and rules of Jharkhand Forest Produce Transit (Regulation of Transport) Rules, 2020 the said vehicle and firewood were seized and Confiscation Proceedings were started. It has been mentioned in the record by DFO Giridih East that it is concluded that the concerned party (appellant) Jalil Ansari has accepted that he was transporting the firewood without any valid transit permit. That it is clear that the said firewood was not being brought by felling trees from any notified forest area, but the firewood being forest produce and being transported without transit permit is a punishable offense under Jharkhand Forest Produce Transit (Regulation of Transport) Rules, 2020. That the vehicle owner has also admitted to the violation of law done by him. Thus the vehicle and firewood were seized and then confiscated.

Heard the Ld. Advocate of the Appellant as well as the Ld. APP on various points as mentioned in the memo of appeal and case record. On account of the aforementioned points, on perusal/ examination of the various documents available on record, points and arguments submitted/ given by Ld. Advocate of the Appellant, opinion/ argument of Ld. A.P.P., the court comes to the conclusion that the Appellant has committed violation of Indian Forest Act 1927 (Bihar Amendment Act 1989) and Jharkhand Forest Produce Transit (Regulation of Transport) Rules, 2020. Thus the appeal of the appellant is rejected. Divisional Forest Officer (DFO) Giridih East Forest Division is directed to proceed further as per the order given in the Confiscation Case .

gjy -

Let a copy of this order be provided to all concerned. Due to busy schedule in law and order and other administrative work this order is passed today.

Dictated and Corrected by me .

QF 12/09/24

Deputy Commissioner -cum-
District Magistrate,
Giridih

QF 12/09/24

Deputy Commissioner -cum-
District Magistrate,
Giridih

Memo No. 691..., Date 12/09/24

Copy to: Divisional Forest Officer (DFO), Giridih East Forest Division for information and necessary action

QF 12/09/24

Deputy Commissioner -cum-
District Magistrate,
Giridih

QF 12/09/24

Deputy Commissioner -cum-
District Magistrate,
Giridih