

iqbal Vs. K.S. Sai Baba, I.F.S. Authorised Officer and Dy. Conservator of Forests

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Court : Karnataka

Decided On : Aug-07-1990

Reported in : 1991CriLJ798; ILR1990KAR3083; 1990(2)KarLJ239

Judge : S. Mohan and ;Shivaraj V. Patil, JJ.

Appeal No. : C.C.C. No. 291 of 1990

Appellant : iqbal

Respondent : K.S. Sai Baba, I.F.S. Authorised Officer and Dy. Conservator of Forests

Advocate for Def. : Mr. Chandrasekharaiah, G.A.

Advocate for Pet/Ap. : Mr. Kashinatharao Patil, Adv.

Judgement :

ORDER

1. The complaint that is lodged before us is the violation of the order made by our learned brother Justice Murlidher Rao rendered in Writ Petition No. 4513 of 1990 dated 4th of April, 1990. The learned Judge passed the order concerning the seizure of the vehicle bearing No. CNT 9362 made on 6-12-1989 as follows :-

'The respondent the Authorised Officer and Deputy Conservator of Forests is directed to dispose of the representation of the petitioner within 15 days from today and pass appropriate orders in accordance with law, keeping in view the rulings of this Court and Supreme Court on the subject.'

2. Thereafter the Authorised Officer the Deputy Conservator of Forests made an order on 3-5-1990 to the following effect :

'Brief Facts of the Case :

Forest Mobile Squads, Bangalore and Kolar along with the staff of Hoskote Range, while waiting near Budigere cross of Hoskote-Devanahalli road, as they received reliable information regarding smuggling of sandalwood, tried to stop the truck No. CNT 9362 coming from Bangalore side at about 6-30 a.m. on 6-12-1989. The staff chased the truck and stopped it as the driver did not stop it in his first instance. Three inmates of the truck including the driver were arrested. The truck was having a National permit. The documents available with the driver are for transporting gunny bags from Kerala to Ahmedabad, whereas on examination it was found that the lorry was loaded with Sandalwood in huge quantity of 6200 kgs covered with few gunny bags on the top. The driver informed that the Sandal was loaded at Medimallasandra of Hoskote Taluk for transportation to New Delhi. The entire Sandalwood was the illicit one without any valid permit and documents.

A case was registered under Karnataka Forest Act S. 71A the vehicle along with the Sandalwood was produced before the Authorised Officer and the Deputy Conservator of Forests, Bangalore Rural Division, Bangalore.

On 13-12-1989 Sri Iqbal S/o. Abdul Sattar had filed a petition for interim release of the vehicle during the pendency of the proceedings before this Court. After careful examination of the contents of the petition the following order is passed :

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