

(Lambadi) Latchma Naik

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Court : Chennai

Decided On : Apr-20-1928

Reported in : AIR1929Mad252

Appellant : (Lambadi) Latchma Naik

Judgement :

ORDER

Devadoss, J.

1. The only point in this case is whether the prosecution of the petitioner for a first offence after the offence has been compounded is legal. It is in evidence that the Tahsildar, who was em-powered to compound forest offences, compounded the offence with the petitioner for a sum of Rs. 8. His successor not being satisfied with the action of his predecessor has instituted their prosecution and there is some evidence that the trees which were said to have been cut, were more than those estimated by the previous Tahsildar. The mere fact that sufficient compensation was not taken from the offender is no ground for starting a prosecution, for under Section 55, Forest Act 5 of 1882, no further proceedings shall be taken against such person or property after an offence has been compounded. Para. 2, Section 55 is as follows:

On the payment of such sum of money or of such value or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the

property seized shall be released, and no further proceedings shall be taken against such person or property,

2. It is not suggested that any trees were cut after the date of the compounding by the previous Tahsildar with the petitioner. The prosecution of the petitioner is more or less in the nature of a prosecution and should not have been launched. The conviction of the petitioner is set aside and the fine if paid will be refunded to him.

3. I may remark that the petitioner has been unnecessarily harassed owing to the machinations of the village Reddi and to the weakness of the Tahsildar in listening to his tale. If the Government could compensate him for the trouble and worry he has undergone, it would be but doing bare justice.

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