

FOREST DEPARTMENT

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Ref.No. 20862/79-F3.

Dated: 20-3-1979.

Office of the Chief Conservator of
Forests, Andhra Pradesh, Hyd.

Sri P. S. Rao, I.F.S.,
Chief Conservator of Forests.

Circular No. 7/1979 Dtd: 20.3.1979.

Sub:- Criminal Justice-Criminal R.C.C. No.99/78 filed
by Jagruti Vankataraju-Interpretation of compounding
powers to forest officers under the Forest Act -Reg.

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Four persons were apprehended for contravention of Rule 3 of the Andhra Pradesh Sandal Wood and Red Sanders Wood Transit Rules, 1969. They had agreed for compounding and signed compounding statement in Form-A. The Divisional Forest Officer did not agree for compounding and ordered prosecution of all the accused persons. The prosecution was instituted in the Court of Judicial Second Class Magistrate at Rajampet. A1, A2, A4 were acquitted, but A3 (Vankata Raju) was convicted for the offence and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs. 1,000/-

Aggrieved by the order of conviction, the accused went in appeal before the Session Judge, Cuddapah. The Additional ~~xxx~~ Session Judge, Cuddapah confirmed the conviction but modified the sentence to one of six months rigorous imprisonment and fine of Rs. 500/-

The matter was then taken up in Criminal Revision before the High Court of Andhra Pradesh. The defence was though compoundable, The Divisional Forest Officer did not choose to compound it. It was argued that the accused has a right to demand the compounding of the offence. The judgement of the Criminal Revision was pronounced on 1.8.78 and it is reported at page 270 of 1978 A.P. High Court Notes and at page 117 of 1979 "ANDHRA WEEKLY REPORTER". A copy of the judgement is forwarded herewith for information of all the Officers. The questions that come up for consideration before the High Court were:

1. Whether a forest officer has the power to refuse to compound; If so, whether this power is absolute.
2. Is there any provision to prefer appeal against refusal to compound.
3. Consequent to refusing to compound, if the accused is tried under the sanction for prosecution and convicted, whether such prosecution and conviction is valid.

All the above questions have been answered in the judgement.

The officers are requested to go through the judgement and bring the matter to the notice of all the Range Officers and this subordinate staff working under them.

Sd/- P. S. Rao,
Chief Conservator of Forests.

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