

Government of Andhra Pradesh  
Forest Department

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Ref.No.18429/80/F3  
Dated: 17--3--1980

Office of the Chief Conservator of  
Forests, Andhra Pradesh, Hyderabad

Sri A.Ramakrishna, I.T.S.,  
Chief Conservator of Forests.

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CIRCULAR NO.10/81

Sub:- Forest Offences - Confiscation of Vehicles involved in  
Forest Offences - under Section 44 of A.P.Forest Act 1967  
as amended in Act 22 of 1976 - Release of by the courts  
on appeal instructions - issued.

Ref:- C.C.F.Ref.No.78104/77/F.3, dated 30-7-1977

It has come to the notice of the Chief Conservator of Forests that in several cases the courts while disposing off appeals against the confiscation orders of the Authorised Officers under Section 44 of A.P.Forest Act, have been taking a lenient view of the problem of smuggling from forests and questioning the action of the Authorised Officers in confiscating vehicles when there is provision u/s 59 of the Forest Act for compounding forest offences. In the result, the confiscated vehicles are being released and the accused persons are being let off with nominal fine.

In this connection attention of all the officers is invited to Chief Conservator of Forests No.78104/77/F3 dated 30-7-1977 wherein the statement of objects and reasons of the bill proposing to amend the forest act was communicated and it was clearly mentioned that the amendment was considered necessary in order to check the rampant smuggling of valuable forest produce through fast moving vehicles as the destruction not only constitutes a loss to the Government's revenue but also results in depletion of forest resources. The purpose of such a provision was felt necessary so as to curb smuggling by vehicles for confiscation of property. The Divisional Forest Officers should bring all these facts to the notice of the Public Prosecutors who appear in the appellate courts so that they may argue the matter during the disposal of appeals. As already advised, the Authorised Officers must give reasons in their order as to why they are not inclined to accept compensation and drop further proceedings under Section 59.

In some cases the appellate courts have allowed the appeals filed by owners of vehicle by imposing fine. The fine imposed by the courts some times is even less than the value of produce involved in the case whereas the compounding fee levied must be equal at least to the value of forest produce, not exceeding however four times such value. The public prosecutors appearing for the State must bring these provisions to the notice of the appellate courts and they must therefore be properly briefed.

The D.F.Os and the complaining Range Officers should take every care to see that all such lapses are avoided at every stage and action taken strictly conforms to the provisions of law.

The receipt of this circular should be acknowledged by return of post.

Sd/-A.Ramakrishna,  
Chief Conservator of Forests.