

GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT

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Rc. No.13640/86-Q2
Dt.19-8-1986.

Office of the Prl. Chief Conservator
of Forests, A.P., Hyderabad.

Sri K.V.S. Babu, I.F.S.,
Chief Conservator of Forests (M) &
Prl. Chief Conservator of Forests A/C.

CIRCULAR No.8/86.Q2

Sub:- Forest Offences. involving Vehicles Release of Vehicles
on Production of Security orders - Issued.

Ref:- Lr.No.186/FX/PSR, dt. 18-2-86 of the Government
Pleader for Excise.

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According to Section 44 of the Forest Act, whenever an offence is detected, the Vehicles, boats, tools, ropes etc., involved in the offence can be seized and the seized goods are to be produced before the Authorised Officer or the Magistrate. On production of the Vehicle, the Authorised Officer issues notices for enquiry. Meanwhile the Vehicle owners are approaching the Courts and invariably getting the vehicles released on personal bonds, or other forms of security that the court may prescribe. Later, when the confiscation proceedings are finalised by the authorised officer, it is taking unduly long time to get back the vehicles.

2. In a recent case the Hon'ble Judge of the High Court has observed that the authorised officers could themselves release the Vehicles on production of suitable security and if this is done, people will be spared the trouble of approaching the Courts. Pleader has requested the Principal Chief Conservator of Forests to issue suitable instructions in this regard. The matter has been considered and the following instructions are issued.

3. In all offence cases involving vehicles like carts, card, lorries, tractors etc., the authorised officers are advised to consider release of the vehicle if the accused persons or the owners of the vehicles so apply. In cases where it is decided not to release the vehicle the reasons for not releasing should be clearly brought on record. Release of vehicles should be done only on production of "Security" and "Under taking" as stipulated below.

SECURITY:-

1. The security should be taken in the following forms in order of preference. It shall be to the satisfaction of the authorised officer.

...2.

- ii. Bank guarantee.
- iii. Immovable Property, Security, engrossed on stamp paper as per the value, and Registered.
- iv. Equitable mortgage by deposit of title deeds in respect of immovable property.

NOTE: a) Encumbranch certificate, valuation certificate etc. are not title deeds. Title deeds are Registered sale deeds, or Registered gift deeds, or Registered partition deeds.

b) Personal bonds or sureties shall not be accepted.

2) The value of Security shall not be less than the estimated market value of the vehicle, and other accessories. (The amount which it can fetch by sale) Normally only the vehicles should be released, and in case the produce is also released for any reason, the value of security should also include five times the value of produce.

3) The validity of the guarantee or Security should be such as to cover the entire period, with a clause for renewal from time, till the cases is finally disposed.

UNDEPTAKING:

1. An Undertaking should also be obtained from the owner of the vehicle to the effect that the vehicle shall be produced as and when demanded by the authorised officer and that the vehicle shall not be alienated during the period of enquiry.

2. It should be stipulated that any violation of this will result in forfeiture of the security to the Government.

3. This undertaking should be engrossed on a non-judicial stamp paper of Rs.5/-. All officers may take note of this and act accordingly.

Sd/-K.V.S.Babu,
Prl. Chief Conservator of Forests.

To
All Officers of distribution list "A"
Copy to TA
Copy to Stock file
Copy to F.2.
Spare copies-20.

//t.c.b.o.//

asd.

Superintendent.