

Ref.No. 31076/91/FT-2.

Dated: 22-6-91.

Office of the Prl. Chief Conservator of Forests, Andhra Pradesh, Aranya Bhavan, Hyderabad -500004.

Dr. K. Kesava Reddy, IFS.,
Prl. Chief Conservator of Forests.CIRCULAR NO. 11/91.

Sub:- FOREST OFFENCES - Offence Cases involving vehicles, boats etc., used in the Commission of an offence - procedure to be followed -Reg.

- Ref:- 1) Prl.C.C.F. Ref.No. 72104/77-F2, Dt. 30-7-1977.
 2) Prl.C.F.F, Is Circular No. 33/79, communicated vide reference No. 74337/79/F3, dt. 3-12-1979.
 3) Prl.C.C.F's Ref, No. 12254/90/FT-2, dt. 22-2-91.

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The Officers noted in the address entry are informed that through reference 1st cited they were intimated about the amendments made in Andhra Pradesh Forest Act, 1967 by virtue of which certain Forest Officers are empowered to confiscate timber and other Forest produce involved in Forest offences together with tools, ropes, chains, boats, vehicles used in the commission of Forest offences. The amendment was brought specifically with a fervant hope that the confiscation orders passed will have a salutary and deterrent effect on the incidence of forest offences. With this amendment, certain forest officers will be authorised officers to exercise judicial powers in confiscation of timber and other forest produce along with vehicles, tools, chains boats etc., In the reference (1) and (2) cited and authorised Officers were specifically directed to confiscate the vehicles to fully utilise the provisions available in the Andhra Pradesh Forest (Amendment) Act, 17 of 1976. These instructions however do not come in the way of exercising discretion by the authorised Officers. They are therefore requested to use their utmost discretion in dealing with the forest offence cases involving vehicles etc.

In the reference (3) cited a specific Judgement of the A.P. High Court along with Government Pleader's opinion was communicated to all the Forest Officers to provide an opportunity to the accused showing the provisions available for compounding the offence and obtain his willingness. After obtaining willingness, it is for the Divisional Forest Officers whether to compound or reject to compound the offence even in the offences involving vehicles. But while rejecting, he has to record the reasons for not compounding the offence and then try the offence case u/s 41 of A.P. Forest Act, 1967 to initiate confiscation proceedings. In these cases involving vehicles are compounded such a situation may not arise.

The Officers are therefore requested to decide whether to compound the offence or not initially and if decided to confiscate the procedure communicated through reference cited above may scrupulously be followed.

The Conservators of Forests are also requested to exercise the revisionary powers vested with them.

The receipt of the reference may please be acknowledged.

Encl: 3 ref. quoted above. PRINCIPAL CHIEF CONSERVATOR OF FORESTS.
 To All Divl. Forest Officer, Sub-Divisional Forest Officers,
 Asst. Conservators of forests.

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