

Assistant Forest Conservator

Vs

Sharad Ramchandra Kale

(G. T. Nanavati, V. N. Khare JJ)

28.11.1997

JUDGMENT

1.This appeal is filed against the judgment and order of the Bombay High Court in Writ Petition No. 104 of 1988.

2.The truck of the respondent was ordered to be confiscated by the Assistance Conservator of forest, as it was found involved in commission of a forest offence. That order was confirmed by the Conservator of Forest. Against his order the respondent preferred an appeal to the Sessions Court but it was dismissed. Therefore he approached the High Court with a petition under Articles 227 of the Constitution. The High Court set aside the order of confiscation on the ground that the authorities had failed to establish that the owner of the truck had any knowledge that his truck was likely to be used for carrying forest produce in contravention of the provision of the Forest Act. This finding was based upon the evidence on the record. Therefore, we do not consider it proper to interfere with such finding.

We, therefore, dismiss this appeal.