

SUPREME COURT OF INDIA

K.P. Yousuff

Vs.

State of Kerala

(B.N. Kirpal and M.B. Shah JJ.)

08.02.2000

ORDER

1. After hearing the learned Counsel for the parties, we are in agreement with the decision of the High Court to the effect that the provisions of the Kerala Forest Act have been contravened and the vehicle of the appellant which was transporting illicit timber was liable to be confiscated.
2. When the special leave was granted, interim order was passed as a result of which the vehicle was restored to the appellant subject to the appellant depositing a sum of Rs. 10,000/- in the Court of the District Judge concerned.
3. According to Section 68 of the Act, some of the offences can be compounded, an offence under Section 61A & B being one of them. Keeping in view the fact that the vehicle has been in possession of the appellant for nearly 11 years after the passing of the interim order by this Court and the depreciated value of the said vehicle would be very little, we accept the submission of the counsel for the appellant that the offence may be compounded.
4. We, accordingly, dispose of this appeal by upholding the judgment of the High Court but directing that instead of confiscation of the vehicle, Rs. 10,000/- will be paid by the appellant as compounding fee. Payment of Rs. 10,000/- which already lies deposited with the District Judge, Tellicherry be handed over to the State authorities.