

CH-185/77.

Office of the Conservator of Forests,  
Central Circle, Trichur. dt. 2-2-1977.

CIRCULAR No.1/77

Sub:-Disposal of thondy involved in discharged Forest cases – Procedure to be Followed – Instructions issued.

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It has come to the notice of the undersigned that a charge officer approached the COURT for sanction to dispose of the thondy articles involved in certain discharged forest offences and deposited the sale proceeds in the Court contrary to the practice hitherto followed by the department. This has resulted in heavy loss to the department as the officers competent to take a decision on the sale of departmental properties were helpless in convincing the court regarding the unreasonableness of the value obtained by way of sale of these properties, evidently because of the wrong procedure followed by the Charge Officer.

The matter was referred to the Additional Advocate General, Ernakulam for legal opinion who has given the following directions in such cases. As soon as the Court delivers Judgment acquitting, convicting or discharging the accused, the department should move the court in cases where timber or other thondy articles have been seized and produced in the case, to return the articles so produced to the Forest Department. This can be done by invoking the provisions of section 69 of the Kerala Forest Act which raises a presumption that such timber or other produce will be considered to be properties owned by the State and this presumption can be rebutted only by any other person claiming the property after the trial is over. If such a claim comes, the burden is entirely upon the person who claims the property as his and opposed to the department's claim and in such cases, the code provides for an enquiry by the court to determine as to in what manner and to whom such properties are to be returned.

The charge officers should move for the return of the articles to the department invariably in all cases when properties are involved immediately after the close of the trial and passing of the Judgment. The above instructions should be scrupulously followed in future.

Receipt of this circular should be acknowledged.

Sd/-

A.I .Iyppu,  
Conservator of Forests

To

All Divl Forest Officers and Range Officers  
All sections in the office

Copy to Circular file

For Conservator of Forests

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